

**BRISTOL CITY COUNCIL
HUMAN RESOURCES COMMITTEE**

24th July 2008

Title: Code of Conduct for Employees who work in Schools

Ward: City Wide

Report of: Director of Central Support Services

Officer presenting report: Lorna Carswell, HR Adviser

Contact telephone number: (0117) 90 37834

1. Report Summary

The report seeks the committee's approval of a code of conduct to be used for all school based employees.

2. Recommendation

That the committee:-

- i) approve the Code of Conduct for Employees where the Council is the employer and agree that it will come in to force for all new appointments with effect from 1st September 2008 and with effect from 1st January 2009 for all existing staff; and
- ii) recommend that the Governing Bodies of Voluntary Aided and Foundation schools adopt the Code of Conduct.

3. Policy

It is the policy of the Council to have a code of conduct for employees. All existing Council employee, including centrally employed teachers but excluding employees in locally managed schools, are covered by the Council's Code of Conduct.

4. Consultation

(a) Internal

Trade Unions. There have been three consultation meetings with trade union representatives. Many aspects of the code have been amended in the light of their concerns. However, the NASUWT and NUT have consistently objected and do not think a Code of Conduct is necessary. Their views are appended to the report.

Internal Audit have been consulted on the content of the Code of Conduct and support its implementation.

(b) External

There has been consultation with the Executive of the Bristol Governors Forum who have not raised any objections to the introduction of a Code of Conduct.

5. Background and Assessment

5.1 There has not been a consistent approach from schools around the use of the Council's code of conduct. Following advice from Internal Audit a specific policy for school based employees has now been developed. The Code of Conduct reflects all of the principles that exist in the Council Code but the document is much more streamlined and school focussed. Key areas that are covered include:-

- * standards of conduct including dignity and respect in the workplace;
- * declarations of interest, including secondary employment;
- * declarations of relationships with suppliers and contractors;
- * use of information systems and email;
- * a requirement to disclosure criminal convictions, bans, cautions and investigations

5.2 An important benefit of having a code of conduct is that it provides employees with clear information on both their rights and responsibilities in the workplace.

5.3 It is essential that there is consistent practice across all schools so it is proposed that the new code forms a contractual term for all employees where the Council is the employer. In the case of Foundation and Voluntary Aided Schools it will be a matter

for each governing body to decide.

6. Other Options Considered

It is considered essential that a Code of Conduct is introduced so alternative options were not considered

7. Risk Assessment

There is a risk that some of the trade unions may advise their members not to accept the code as a contractual term. This is mitigated by the fact that contractual notice will be issued to existing employees and it will be a contractual term for all new appointments from 1 September 2008.

8. Equalities Impact Assessment

An equalities impact assessment has been completed and a copy is available in the Members Room and has been published on the Council web site.

9. Legal and Resource Implications

Legal: "The proposed Code of Conduct for school based employees refers to existing policies and legal requirements, together with general principles about standards of conduct. This is in line with all other non-school based staff who are already subject to a Code of Conduct. It further serves to clarify the Council's expectations of its school based employees.

It should be noted that the imposition of the Code as a contractual term on existing employees may be subject to challenge by individual employees. The option available to employees is to resign and claim Constructive Unfair Dismissal or breach of contract. Either option would require the employee to resign and leave the employment of the Council in order to bring a claim.

(Advice from Husinara Islam, Senior Practitioner Solicitor, Legal Services)"

Financial:

(a) **Revenue** There are no financial implications arising from this report

(b) **Capital** N/A

(Advice from Geraldine Mead, Head of CYPS Finance)

Land: N/A

Personnel: The code of conduct will issued to all new school based employees joining on or after 1 September 2008. Existing staff will receive contractual notice of the introduction of the Code of Conduct with effect from 1 January 2008. In the case of Voluntary Aided and Foundation Schools where the Governing Body is the employer, it will be a matter for each governing body to decide whether to adopt the code.

Appendices: Appendix A Code of Conduct for School Employees

Appendix B NASUWT and NUT Views

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None

CODE OF CONDUCT FOR SCHOOL EMPLOYEES

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I declare that I have read and understood the Code of Conduct for School Employees and the associated “Required Reading”.

Name_____

Date_____

Signature_____

1. Introduction

All employees have personal and legal responsibilities, including; treating others with dignity and respect; acting honestly, using public funds and school equipment appropriately, adhering to health and safety guidelines and practising equal opportunities at all times. These expectations are set out below and should be fully observed by all staff, including the Headteacher and Senior Management team.

This document is not a prescriptive guide to what employees should and should not do. It highlights the principal areas where employees need to be aware of their responsibilities when working in the school and is a framework for behaviour. Employees should ensure they are familiar with the specific policies that underpin these behaviours through reference to the documents highlighted in the “Required Reading” throughout the code. If these documents are not supplied at induction, the employee should ask the school for copies.

2. Compliance with the Code of Conduct

The Code of Conduct forms part of an employee’s contract. Failure to comply with it and with the associated school policies (“Required Reading”) may result in disciplinary action being taken and the school reserves the right to take legal action against employees where breaches of the Code warrant such action.

3. Professional behaviour and conduct

3.1 Treating other people with dignity and respect

All employees are expected to treat other colleagues, pupils and external contacts, such as parents, with dignity and respect.

Staff are required to comply with the school's equality policies in respect of colleagues, students and other contacts such as parents. Unacceptable behaviour such as discrimination, bullying, harassment or intimidation will not be tolerated in schools. This includes physical and verbal abuse and use of inappropriate language or unprofessional behaviour with colleagues, pupils and parents.

3.2 Appropriate relationships with children

School employees are expected to act in an open and transparent way that

would not lead any reasonable person to suspect their actions or intent. Employees in schools are in a position of trust and have a duty to protect young people from discrimination and harm and to maintain appropriate professional boundaries. It is equally important for staff to avoid behaviour that might be misinterpreted by others in order to protect both young people and themselves. Staff are required to read and understand school policies on child protection.

3.3 Professional behaviour

Employees must not misuse or misrepresent their position, qualifications or experience or bring the reputation of the school into disrepute. Such behaviour may lead to disciplinary action and where relevant, referral to the General Teaching Council.

3.4 Criminal actions

School employees must inform the Headteacher (Governing Body if the employee is the Headteacher) immediately if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution. The Headteacher or Governing Body will discuss this with the employee in the context of their role and responsibilities in order to help safeguard children and other employees at the school.

3.5 Required reading:

- School's Child Protection policy and procedure
- [Local Authority's Equalities Policy](#) – available on the BCC intranet
- (Teachers only) GTC Code of Conduct and Practice for Registered Teachers – available at www.gtc.org.uk

4. Declaration of interests

Employees should consider carefully whether they need to declare to the school their membership of any group or organisation. An employee is required to declare this where the group or organisation would be considered to be in conflict with the ethos of the school (for example affiliation with a racist organisation). Membership of a trade union or staff representative group would not need to be declared.

Employees should also consider carefully whether they need to declare to the school their relationship with any individual(s) where this might cause a conflict with school activities. For example, a relationship with a Governor, another staff

member or a contractor who provides services to the school.

Failure to make a relevant declaration of interests is a very serious breach of trust and therefore if employees are in doubt about a declaration, they are advised to take advice from their school or union.

All declarations, including nil returns, should be submitted in writing to the Headteacher on a school Register of Business Interests. (Appendix One).

5. Probity of records and other documents

The deliberate falsification of documents is not acceptable. Where an employee falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence.

Where an employee who has claimed any benefit, including housing benefit, either directly or indirectly and has failed to disclose their full earnings, this will be treated as gross misconduct and the employee may be dismissed and referred to the Police.

6. Financial inducements

6.1 Financial Regulations for schools

All school employees must comply with the school's and local authority's Financial Regulations. Employees should familiarise themselves with the regulations but some of the principal employee requirements are summarised below.

6.2 Business Contacts

In this section, "*business contact*" refers to any person, body or organisation with which the school is involved on a financial or charitable basis (including contractors; developers; consultants; regional or national charities). This also includes business contacts who are potential suppliers (e.g. they are tendering for future business).

6.3 Declaration of gifts

Any gifts that are received should be declared in writing to the Governing Body

on the Register of Gifts and Hospitality (Appendix 2) with the exception of those items specifically identified in sections 6.4 and 6.5 below. This document shall remain available for inspection by the authority's Internal Audit department.

6.4 Gifts or hospitality to an employee

Where a business contact offers a personal gift, personal payment or other incentive such as secondary employment to an employee, these should not be accepted and should be returned with a suitable official letter. Such offers should be declared to the Governing Body and recorded in the Register of Gifts and Hospitality.

If it is not possible to return gifts then the employee who deals with that supplier should declare the gift to the Governing Body who will keep a record of it and decide how it is to be used. Such gifts remain the property of the school and should be included in the Register of Gifts and Hospitality.

The only exceptions to these are:

- Low cost, functional items suitable for business use rather than personal use and displaying the supplier's logo e.g. diaries, calendars and pens. These items may be accepted and do not have to be included in the Register of Gifts and Hospitality.
- Gifts offered by parents or students to school staff to express their thanks, such as boxes of chocolates, however, only gifts with an individual value of £25 or less may be accepted. Such gifts do not have to be declared in writing to the Governing Body or be included in the Register of Gifts and Hospitality. For the avoidance of doubt employees must always refuse gifts or money.

Where hospitality in the form of meals and drinks is offered by a business contact, this is only acceptable where it forms part of a normal business meeting (for example, refreshments at training events or meals at evening meetings). Offers of hospitality to specific events, such as a dinner or sporting event, should only be accepted after authorisation from the Governing Body. These would normally only be approved where there is a clear and demonstrable benefit to the school and the hospitality would not expose the school to criticism that the business contact was exerting undue influence. These should be recorded in the Register of Gifts and Hospitality.

Visits by employees to exhibitions, demonstrations, conferences, business meals and social functions in connection with the school's business and authorised by the school, shall be at the school's expense.

6.5 Gifts or hospitality to the school

Where a business contact sends a gift to the school (for example, a stationery supplier sending a gift), these should not be accepted and should be returned to the supplier. Such offers should be declared to the Governing Body and recorded in the Register of Gifts and Hospitality.

If it is not possible to return the gift, the employee who usually deals with the supplier should declare the gift to the Governing Body who will keep a record of it and decide how it is to be used. Such gifts remain the property of the school and should be included in the Register of Gifts and Hospitality.

The only exceptions to this are low cost, functional items suitable for business use (as opposed to personal use), such as diaries, calendars or pens, may be accepted and do not have to be declared on the Register of Business Interests.

6.6 Use of school contacts

Apart from participating in concessionary schemes arranged by trade unions or other such groups for their members, employees shall not use school business contacts for acquiring materials or services at trade / discount prices for non-school activities.

6.7 Required reading:

- [Financial Regulations for Schools](#) – available on the CYPS intranet

7. Use of school premises & equipment

School equipment and premises are available only for school-related activities and should not be used for fulfilment of another job or post or for excessive or regular personal use, unless authorised in writing and in advance by the Headteacher.

This includes photocopy facilities, stationery, telephones and computers and premises. Any school equipment that is used outside school premises, for example laptops, should be returned to the school when the employee leaves

employment or upon request by the Headteacher.

8. Other employment

Employees are permitted to take up secondary employment outside the school, as long as the activity does not constitute a conflict of interest, adversely affect their primary employment at the school or exceed the legal maximum working week of 48 hours.

The secondary employment must be undertaken outside the working hours of the employee's normal post and employees are required to keep the Headteacher (Governing Body if the employee is the Headteacher) informed of their employment at other organisations.

9. Health and safety

Employees must adhere to the school's Health and Safety policy, procedure and guidance and must ensure that they take every action to keep themselves and everyone in the school environment safe and well.

This includes taking immediate safety action in a potentially harmful situation (either at school or off-site) by complying with statutory and school guidelines and collaborating with colleagues, agencies and the local authority.

9.1 Required reading:

- School's Health and Safety Policy

10. Use of alcohol and illegal drugs

The taking of illegal drugs during and outside working hours is unacceptable and will not be tolerated. All employees are expected to attend work without being under the influence of alcohol or illegal drugs and without their performance being adversely impacted by the consumption of alcohol or illegal drugs.

If alcohol or drug usage impacts on an employee's working life, the school has the right to discuss the matter with the employee and take appropriate action, having considered factors such as the school or local authority's reputation and

public confidence.

11. Use of school communication systems

The school has the right to monitor emails, phone-calls, internet activity or document production, principally in order to avoid offensive or nuisance material and to protect systems from viruses, but also to ensure proper and effective use of systems by employees.

Employees should be aware that the school has the right to access employees' personal email and computer files if required for investigation of misuse.

It is recommended that employees do not use school systems (phone, email, computers) for personal use. Inappropriate usage, which includes excessive or regular personal use may result in disciplinary action for the employee and in serious cases could lead to an employee's dismissal.

Inappropriate use of email and internet systems also includes viewing, publication or circulation of illegal or offensive material, viewing, publication or circulation of junk mail, including chain letters, jokes or large attachments, gambling or gaming; these will be treated as disciplinary matters.

Passwords should not be shared and access to computer systems must be kept confidential. Breach of this confidentiality may be subject to disciplinary action.

Employees who receive inappropriate communications should inform their Headteacher or nominee immediately.

12. Confidentiality

All employees at the school and the Governing Body come into contact with a significant volume of data and information in relation to pupils, staff, school activities and many other matters. There is an obligation to read and to observe the requirements of the Data Protection Act 1998.

12.1 Managing data

Under the Data Protection Act, staff are required to collect, maintain and dispose of sensitive or personal data in a responsible manner.

12.2 Disclosing data

Staff should not disclose sensitive information about the school, its employees or the local authority to other parties, for example, parents, colleagues or internet blogs. There are particular exceptions to this; for example disclosure of suspected or alleged abuse of a pupil to Child Protection officers; discussion with a person accompanying or representing an employee in a formal meeting or disclosure under the Whistleblowing procedure. All communication with the media must be directed through the Headteacher or their nominee.

There are circumstances in which staff are obliged to release pupil data, for example, parents seeking information about pupil progress or other colleagues in the school.

Staff should be aware that, from time to time, information about employees' salaries is matched with other public sector information (for example housing benefits) in order to prevent fraudulent claims.

12.3 Access to data

Everyone has the right to request access to data that is held about them and such requests should be made to the Headteacher who will address the request in conjunction with the Local Authority's Data Protection Officer.

12.4 Required reading:

- [Data Protection Guide](#) – available on CYPS intranet

13. Copyright

Copyright legislation should be displayed next to photocopier machines and employees are required to adhere to the guidance provided about use of educational resources.

13.1 Required reading:

- Copyright notices in school

APPENDIX ONE

REGISTER OF BUSINESS INTERESTS FORM

Governors and staff declaration form

I wish to declare the following information in accordance with the Governing Body's requirements that a Register of Business Interests should be maintained.

Name:

Post:

Signature:

Date:

You should provide full details of your declaration below, including a nil return:

Declaration of relationships or contracting arrangements	
Relationships or links with businesses. Contracts or proposed contracts (or any activity which would cause potential conflict) in which you are involved / interested.	State whether the interest is direct or indirect, and the nature of the interest.

APPENDIX TWO

REGISTER OF GIFTS AND HOSPITALITY

Governors and staff declaration form

I wish to declare the following information in accordance with the Governing Body's requirements that a Register of Gifts and Hospitality should be maintained.

Name:

Post:

Signature:

Date:

You should provide full details of your declaration below, including a nil return:

Declaration of gifts and hospitality		
Date gift received	From whom	Gift or hospitality

Bristol Association

Negotiating Secretary: David Michel

mobile: 07860 443 774

e-mail: davidmichel@btinternet.com

NASUWT

THE TEACHERS' UNION

NASUWT RESPONSE TO:

CODE OF CONDUCT FOR SCHOOL EMPLOYEES / April 2008 v3

A General Comments:

1 The Code has no context. There is no statement of intent or of the situation the Code is seeking to address. NASUWT does not believe that, with the current state of the need to improve the performance of the education service in Bristol, time spent on this document is fruitful.

2 The tone of the Code is likely to incite ill-feeling and a willingness to break its principles which is not there now. It could be described as a self-fulfilling prophecy. The document would secure more confidence and support if it provided reasonable advice before listing the 'thou shalt not' ...

3 The phrase 'required reading' occurs or would be applied to eight separate documents. Each of these may be accessed by a variety of means: internet, intranet, induction, school office, proximity. If it is 'required' then the employer should be providing copies and not adopting a casual attitude of 'DIY'. When we go on to consider the indicated documents the casual BCC attitude becomes even more apparent.

Specific Comment about 'Required Reading':

1. Local Authority's Equalities Policy: cannot be accessed from the internet in less than five minutes so would have to be studied during working time using intranet and would still need more specific guidance on access.
2. 'www.gtc.org.uk' takes you straight to the 'Guild of Television Cameramen'.
3. 'Staff are required *to learn*' policies on child protection. So important it must be learnt, not important enough to be made available by any means.
4. Same applies to 'Financial Regulations'.
5. H & S: no indication of where this might be kept.
6. Data Protection Guide – see comment about 'Equalities Policy'
7. Data Protection Act 1998: obliged to read but no suggestion of where. The obligation that employees should read the Act itself rather does away with the need for the BCC Guide.
8. Copyright Notices: we all remember their introduction but how up to date are they? Does BCC intend to provide schools with a refreshed standard notice?
9. In summary this is either a deliberate time-wasting exercise, the

employees' time in particular, or so slap-dash as to be wanton. If it is serious then advice to schools on the use of an INSET day to read and digest lengthy, legal, documents should accompany this Code.

Specific Commentary on the Code:

Paragraph 2

NASUWT would like to see evidence, and examples, of a 'Code' which can be part of a contract. (The most widely used, national, example, 'The Highway Code', forms part of the Judges' Rules but otherwise has no legal standing.) We will not accept a 'Code of Conduct' as part of a teacher's contract.

2

Paragraph 3

Use of the GTC code should be sufficient.

Paragraph 3.1 is insulting

Paragraph 3.4

NASUWT has some difficulty with the breadth of 'police enquiry' which seems all-encompassing. It could place an employee at risk of prosecution if the enquiries related to terrorism or SIS vetting which come under the Official Secrets Act. At the other extreme a caution about a motoring offence or an investigation about trouble with neighbours are hardly relevant.

Paragraph 4

Again a difficulty with the all-encompassing 'any group or organisation'. Consenting adults, black candles, midnight gatherings and so on would probably be in conflict with the ethos of a school but where do you draw the line? Classic motorcars damage the environment. Tut, tut. Better not join that group.

The example of a 'relationship with another staff member' is a minefield.

Paragraph 6.4

If BCC is serious about the section on business contact it should set a financial limit which if exceeded should be disclosed.

Paragraph 8

Is it thereby acceptable for an employee to do school work for more than 48 hours per week, averaged over 17 weeks, or must that also be declared?

Paragraph 11

Please make clear that the right to access personal e-mail relates to school equipment only. It would be helpful here to offer advice that personal material should not be on school equipment anyway.

I hope the above will be useful in your work.

With best regards

David Michel



Secretary: Nina Franklin 56 Rousham Road Eastville Bristol BS56XL

Tel : 0117 9510009 Fax : 0117 9516361
e-mail : ninafranklin@btconnect.com

7th May 2008
Lorna Carswell
Bristol City Council
Education HR

Dear Lorna

PROPOSED CODE OF CONDUCT FOR LM SCHOOLS

Our concerns remain about the content of this document.

2.Compliance with the Code of Conduct

- We do not accept that this Code forms part of an employee's contract. This is a unilateral imposition that we oppose. We note this document simply as a policy to which employees may have regard but the content of which we question.

We find the tone of this paragraph threatening, unnecessary and unwanted.

3.4 Criminal Actions

- This paragraph suggests that any and every potential misdemeanour has to be reported to the school. This would include matters such as a parking fine, speeding ticket, domestic or contract dispute with e.g. a builder doing work on your home which would not at all be relevant to your job.

This is far too widespread and vague. Would any of these matters be of interest to the GTC? If we examine Home Office guidance (Circular 5/2005) to the police regarding content of soft information on CRB records, it is clear that only relevant information should be disclosed. There is no such process considered here and that is unacceptable.

4. Declaration of Interests

- The test of relevancy is also required here.

Why seek to include every staff member in this process without good reason? There is no problem in ensuring transparency and fairness with regard to those members of staff responsible for e.g. appointing staff or tendering for contracts but why does anyone else need to be involved?

The test of declaring an interest should only be required at the appropriate time.

If staff are required to sign this form now, it will have to be updated on a regular basis to

ensure the credibility of the information at the relevant time. How often would the updating take place and who is expected to be responsible for this bureaucratic exercise?

What exactly is meant by "Employees should consider carefully.."? This is rather subjective.

"Relationships with any individuals" is a vague notion, badly described in the document. I provided some examples in my previous response.

It is explained that failure to disclose would be a serious breach of trust. What happens if you simply forget to disclose?

We would not advise members to sign this declaration – this is not a contractual requirement. The Authority is attempting to make this a contractual requirement. Should there be an attempt to continue with this we will have to use all the measures available to us to protect our members and this may include legal methods.

7. Use of School Premises & Equipment

- We take offence to the tone of this paragraph.

Doesn't this contradict with 11.1 and 11.2 where telephone, e-mail and internet is allowed for certain use?

8. Other Employment

- As previously mentioned, we would be far happier to see evidence that the Authority is striving to ensure that head teachers are taking positive steps to provide a healthy work/life balance for our members and are cutting workload, reducing the number of meetings and other bureaucratic burdens.

The pay campaign has identified the problem of our younger members having to consider a second job just to survive and pay their bills.

10. Use of Alcohol and Illegal Drugs

- We take offence to the tone of this paragraph.

It would be more helpful that if an employee was having a problem with alcohol or drugs that support was being made available to that individual. What does the actual policy say?

11. Use of School Communication Systems

- We take offence to the tone of this paragraph.

If a member of staff reports offensive or nuisance material, surely the matter would be investigated then? This would be a less intrusive and more effective policy. Who, otherwise, is spending time doing this monitoring? Particular internet sites may be monitored rather than all would be a better policy.

The paragraph suggests a Big Brother approach which is very threatening. If there is good reason, an investigation may take place and that is a much more reasonable approach.

The NUT will be taking a very strong position against any further attempts to impose this policy.

Nina Franklin
Division Secretary
National Executive Member