

# Birches Head Academy



## Staff Code of Conduct (7.5a)

### Policy Information:

Policy Lead	Principal's PA
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### Approved by Principal:

Katie Dixon

### Approved by Chair of Governors:

Roisin Maguire



Frank Field  
Education Trust

A fundamental part of being a member of school staff is to act as a role model for the students of the school at all times. It is therefore vitally important that all staff set a good example to students both in terms of their behaviour and dress. The aim of this policy is to ensure that all employees are aware of the standards expected by Birches Head Academy.

## **1 Purpose**

1.1 The purpose of this policy is to establish and encourage all employees to achieve high standards of conduct at work, and to help provide a fair and consistent way of dealing with alleged failures to achieve them.

1.2 All employees in Birches Head Academy are expected to give the highest possible standard of service. Employees should conduct themselves with professional integrity, impartiality and honesty. Breaches of conduct and personal behaviour will be dealt with under the Policy and Guidance for Discipline.

1.3 All employees in Birches Head Academy have an absolute duty to promote and safeguard the welfare of children in Birches Head Academy, and to take appropriate action where they consider that a child may be at risk of suffering harm.

## **2. Scope**

2.1. The policy applies to all employees and temporary/casual workers of Birches Head Academy including volunteers.

2.2. Registered Teachers are in addition bound by the codes and professional values of the GTCE (General Teaching Council, England). While Registered Teachers are bound by the code, Birches Head Academy consider the principles apply to all staff employed in Birches Head Academy and are not exclusive to registered teachers

## **3. Equal Opportunities**

3.1. Our Equal Opportunity Policy reflects one of Birches Head Academy's core values. All employees are entitled to fair treatment by others, and to be treated with respect and dignity. In return, they are expected to treat others in this way.

3.2 It is Birches Head Academy's policy that all current and prospective employees will have equal opportunity for employment, promotion and training on the basis of relevant ability, qualifications and merit. Employees must ensure that they do not unfairly discriminate on the grounds of gender, race, colour, marital status, national or ethnic origin, nationality, disability, sexuality, age or religion. All job applicants and workers are treated equally and Birches Head Academy are willing to make reasonable adjustments where appropriate for disabled applicants and workers.

#### **4. Other Supporting Policies**

To assist Birches Head Academy the following policies exist in conjunction with the Code of Conduct Policy

- Safeguarding Policy
- School Complaints Procedure
- Safer recruitment Policy
- Disciplinary Policy
- Anti-Bullying
- Equal Opportunities Policy
- Staff use of ICT Agreement
- Data Protection Policy
- Health & Safety
- Confidential Reporting (Whistleblowing)
- E-Safety
- Educational Visits
- Discretionary Leave Policy

#### **5. Confidentiality and Disclosure of Information**

5.1 Employees must not disclose confidential information. Employees must not use information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. This applies equally to information relating to patents and intellectual property.

5.2 Information on pupils may not be disclosed without the consent of the child's parent, or where a child is of reasonable understanding, the child. The only exceptions to this are:

- To safeguard the welfare of the child, information may be disclosed in accordance with Birches Head Academy's child protection policy,
- Where information is requested by the Police to detect or prevent offending.
- Where otherwise allowed to be disclosed by a legal obligation (for example, to give information to a child protection case conference), or an Order of a Court.

5.3 It may not be appropriate to agree to maintain confidentiality, where to do so would cause harm or allow unacceptable practices to persist. For further information see the Confidential Reporting (Whistleblowing) Policy.

5.4 Many employees have access to personal information relating to other employees, pupils and other members of the public. All employees must treat this information in a discreet and confidential manner (the Data Protection Act 1998) and adhere to the following guidelines:

- Written records and correspondence should be kept securely at all times.
- Information relating to staff/pupils/public must not be disclosed either orally or in writing unless it is confirmed that the recipient is authorised to receive such information
- Information relating to pupils/public must not be given over the telephone unless the caller has given details of their right to ask for such information. Employees should check on the caller's right to information by obtaining their telephone number and calling back to check their identity or by asking for a written request for information.
- Confidential matters relating to staff/pupils/public should not be discussed in areas where they may be overheard by passers-by, e.g. corridors, reception, lifts, staff room, etc.
- Any breach of confidentiality may be regarded as misconduct and be subject to disciplinary action, as laid out in the Discipline Policy.
- As a general rule employees should not make statements or write letters to the media, if in doubt they should refer such matters to their Principal.

## **6. Additional activities including conflict of interest**

### **6.1 Additional activities**

6.1.1 For the purposes of the Working Time Regulations the Principal's approval must be gained before embarking on secondary employment including private tutoring, whether inside or outside Birches Head Academy. This approval must be reviewed annually.

6.1.2 All employees must be clear about their contractual obligations to Birches Head Academy and must not take outside employment that conflicts with Birches Head Academy's interests or damages Birches Head Academy's interests or reputation.

### **6.2 Conflict of Interest**

6.2.1. The public expects transparency and accountability in how decisions are made. Birches Head Academy expects its employees to give the highest possible standard of service and to avoid any situation where private and School interests may conflict. An employee, who believes that she or he is in a situation that may cause a conflict of interest, should discuss their situation with the Principal. All employees are required to complete annually a Pecuniary Interest form which is stored centrally.

6.2.2. Where this is not declared and there is a clear conflict of interest this may be considered misconduct. Where there is a financial/other benefit to the employee it may be seen as gross misconduct. Where there is a likelihood of dismissal for inappropriate personal interest, it is the responsibility of Birches Head Academy to demonstrate that there is a genuine risk in continuing to employ the employee in the same capacity. An investigation will be necessary before beginning such a course of action. Below are further examples of what constitutes personal interest:

- Employees must exercise fairness and impartiality when dealing with all parents, pupils, customers, suppliers, other contractors and sub-contractors and no part of the local community should be discriminated against.
- Employees who have access to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- Employees, who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a private or domestic relationship with them, must declare that relationship to their manager.

6.2.4 Employees must also declare an interest where:

- An employee has membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct.
- Where an employee allocates school places to an acquaintance or relative

## **7 Inventions and Patents**

7.1 The Patents Act 1977 as amended by the 1988 UK Copyright, Designs and Patents Act states that inventions and patents, e.g. plans, reports, designs, unique processes or software, etc. are the property of the employer if:

- They have been made in the course of the employee's normal duties; or

- They have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- It was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

## **8. Relationships**

8.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

## **9. Contact with Pupils and other Young People**

9.1 All staff have been provided with a copy of the DfE document called 'Guidance for Safer Working Practice for Adults who work with Children and Young People' The governing body have endorsed this guidance and staff are expected to be guided by it.

The guidance includes information on dealing with

- Infatuations
- Communication with Children and Young People (including the Use of Technology)
- Social Contact
- Sexual Contact
- Physical Contact
- Other Activities that require Physical Contact
- Behaviour Management
- Use of Control and Physical Intervention
- Children and Young People in Distress
- Intimate Care
- Personal Care
- First Aid and Administration of Medication
- One-to-One Situations
- Home Visits
- Transporting Children and Young People
- Trips and Outings
- Photography and Videos
- Access to Inappropriate Images and Internet Use

9.2 Birches Head Academy has a clear policy on Child Protection and provide Child Protection training for all staff. Staff should ensure that they have read and understood this document.

## **10. Appointment and Management of Staff**

10.1 Employees involved in the recruitment of internal and external staff must ensure that the decision to appoint is based solely on merit. An appointment that is based on anything other than the ability of the candidate to do the job may leave Birches Head Academy vulnerable to allegations of discrimination and is not allowed. Employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship with him or her.

10.2 For the purposes of this guidance the definitions of partners/relatives are:

- ongoing personal and emotional relationships
- marriage
- close family members

10.3 It is the policy of Birches Head Academy that spouses/partners will not be employed where there will be a line management relationship between them relating to discipline, promotion or pay adjustments and/or where they will be employed together in the area of contracts or finance. This will ensure that our parents and staff feel confident that decisions within Birches Head Academy are made in a fair and equitable way based on the reasonable application of professional judgement. Equally managers and supervisors will want to ensure that their decisions are not influenced by personal considerations. The requirement of managers to maintain confidentiality may also put strains on personal relationships.

10.4 If a personal relationship develops where there is an existing line management responsibility, the Principal must investigate the situation and discuss the issues with the employees concerned. Where there is evidence that the working relationship will cause a potential conflict of interest i.e. where the service involves financial and/or contract work the Principal must look for an alternative post for one of the employees involved. The decision of who should move to an alternative post must be based on the degree of impact the loss of either employee would have on the particular service. Each case must be decided on its merits to ensure that the decision made is on objective and reasonable grounds and not unfairly discriminatory.

10.5 There may be the opportunity to retain both employees in the same area if another manager can take on the line management element of the role in the same department or if the work can be re-arranged. A decision can only be made once a full investigation has taken place and the employees have had an opportunity to express their views. Where there is no alternative post or way of working, this may result in dismissal for "some other substantial reason". The Principal must ensure that the decision to redeploy or dismiss is fair and based on measurable criteria. A full investigation must be undertaken before a decision is made. Dismissal is not automatic and will only be considered all other avenues must first be explored.

## **11. Gifts and Hospitality**

11.1 Employees should not accept any personal gifts from pupils and their families, contractors and external suppliers unless the gifts are insignificant items with a value not exceeding £30.

11.2 Employees must not accept offers of hospitality unless there is a genuine need to impart information or represent Birches Head Academy in the community. Offers to attend purely social and sporting functions should be accepted only when these are part of the life of the community or where Birches Head Academy should be seen to be represented. They should be properly authorised and recorded with the Principal.

11.3 Under the Prevention of Corruption Acts 1906 and 1916 it is an offence for an employee of a public body in his or her official capacity to accept any gift, inducement or reward, including hospitality, for showing favour or disfavour to any person or other organisation. It is the responsibility of the person receiving the favour to prove that it was not received dishonestly. The following must be considered:

- Employees acting in an official capacity must not give the impression that their conduct both inside and outside work with any person or organisation is influenced by the receipt of gifts, rewards and hospitality or any other such consideration.
- Employees must think about the circumstances in which they are made offers and be aware that they may be regarded as owing a favour in return.
- Employees must seek permission from their line managers before accepting such offers and be aware that the offers may have to be returned/refused.



- When gifts/hospitality have to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within Birches Head Academy.

11.4 How an employee should react to an offer depends on the type of offer, the relationship between the parties involved and the circumstances in which the gift or hospitality is offered:

- Employees must not be seen to be acting in their own personal interests and need to be careful that their behaviour cannot be misinterpreted.
- An offer of a bribe or commission made by contractors, their agents or by a member of the public must be reported to the line manager. Hospitality from contractors should also be avoided where employees/team are seen to be singled out for example such hospitality where this may be perceived as preferential treatment.
- Employees must be particularly wary from accepting gifts from a pupil where it is suspected that a pupil has a crush or infatuation on the employee.

11.5 No one working for, employed by, or providing services on behalf of Birches Head Academy is to make, or encourage another to make any personal gain out of its activities in any way. Any person becoming aware of a personal gain being made at the expense of Birches Head Academy, contractors or the public should follow the Whistleblowing Policy

11.6 The acceptance of gifts and hospitality may be a subject of criticism placing Birches Head Academy in a position that it has to defend such action. Consequently, it is essential that all details of gifts and hospitality (except small tokens by children or parents as detailed above) be recorded with the Principal.

## **12. Sponsorship –Receiving**

12.1 Where an external organisation wishes to sponsor a School activity, whether by invitation, tender, negotiation or voluntarily, the basic principles concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

## **13. Matters of Conscience**

13.1 Where an employee believes he or she is being required to act in a way which is illegal, improper, unethical, or in breach of Birches Head Academy's conventions, which may involve possible maladministration, or which is otherwise inconsistent with the Policy for Conduct he or she should refer to the Principal or to the Confidential Report (Whistleblowing) Policy and record the incident

13.2 Where an employee is aware, or has evidence of illegal, improper or abusive behaviour of another employee he or she should refer to their line manager or the Policy for Equal Opportunities.

13.3 Where an employee is aware, or has evidence of illegal, improper or abusive behaviour of another employee towards a pupil, he or she has a duty of care to notify immediately the Principal, unless the allegation is against the Principal, when he or she should bring it to the attention of the Chair of Governors.

13.4 Where an employee fails to report such concerns outlined in paragraph 12.3, this may be construed as misconduct and lead to disciplinary action.

## **14 Personal behaviour**

14.1 Birches Head Academy believes in treating all employees with respect and trust in a mature, respectful and considerate manner and expects the same approach from employees. Birches Head Academy expects employees to respect Birches Head Academy's property, other employees and their property, suppliers and the public at all times. Employees must also demonstrate the characteristics they are trying to inspire in pupils. Failure to observe the standards of behaviour expected breaks the bond of trust that is fundamental to the employer/employee relationship and may lead to disciplinary action.

- The Disciplinary Policy will be initiated where any employee is found to be in breach of this Policy. If an employee is found guilty of gross misconduct he or she may face dismissal.

## **15 Absence from work**

15.1 All leave should be approved by the Principal prior to it being taken. This includes parental leave, special leave, etc. Failure to notify absence is unauthorised absence.

15.2 All staff should ring 07920285976 between 6.30am and 7.30am and their Line Manager if they are going to be absent from school. Self-certification forms should be completed for all unplanned absence and signed by the appropriate line manager. **The Principal should be contacted after three days absence.** After five working days a doctor's note is required.

15.3 In the event of the school being closed for unforeseen circumstance for example bad weather the "Snow Line" will be put into operation to inform staff. Staff should attend school even if the school is closed for pupils unless by doing so they put their health and safety at risk. The contact information provided in the snow line is strictly confidential and great care should be taken to protect from unauthorised access.

## **16 Timekeeping**

16.1 All staff should be punctual to work. For a full time member of teaching staff this is from 8.05am till 2.50pm. Support staff hours are laid out in their contracts and should not be changed without consultation with the Principal.

## **17. Negligence**

17.1 Negligence arises from failure by the employee to exercise reasonable care in his or her work. Employees must not cause loss or damage through carelessness, negligence, a reckless act or breach of instructions. It is only a disciplinary offence if the individual is considered to be personally responsible.

## **18. Refusal to obey a reasonable instruction**

18.1 It is the responsibility of all employees to carry out reasonable instructions. In those circumstances where an employee refuses to obey a reasonable instruction, it will be necessary to investigate the situation and depending on the outcome of an investigation it may result in disciplinary action. See the Whistleblowing Policy, where refusal to carry out a reasonable instruction is linked to a matter of conscience.

## **19. Social Behaviour**

19.1 Employees should be aware of the following expected standards of behaviour when attending work related events in and outside of work time where attendance could be seen as representing Birches Head Academy:

- The Conduct and Personal Behaviour Policy will still apply e.g. regarding drug/ alcohol abuse, harassment and discrimination.
  
- Consideration and respect for others should be observed at all times

- Those in a position of management/supervision should not behave in any way that could be interpreted as undermining their position
- Birches Head Academy should always be represented in a positive way to the public, including on social networking sites.

## **20. Use of Private Vehicles for School Business**

20.2 Employees using private vehicles for School business must ensure:

- The vehicle is road worthy and complies with Road Traffic/Transport regulations.
- That Birches Head Academy is aware that the vehicle is being used under the Birches Head insurance
- Copies of relevant Driving licences must be given to the Finance Office for insurance purposes
- They are licensed to drive the vehicle
- They do not drive under the influence of drink/drugs or where there is ill health that may impair their ability to drive the vehicle safely.
- They abide by the current Road Traffic/Transport Regulations.

20.3 Employees using the school minibus must comply with the Mini-Bus Regulations Policy.

## **21. Alcohol/drugs**

21.1 Employees must ensure that they are not unfit for duty as a result of the effects of alcohol or drugs. Staff should be aware of the lasting effects of alcohol and drugs both prescription and illegal and ensure that any consumption of these substances does not impair their ability to discharge their duties. See Appendix 1 and the Alcohol and Substance Misuse Policy for further guidance.

## **22. Smoking**

The school operates a no smoking policy (including vapes) which covers both the buildings and grounds.

## **23. Health & Safety**

Employees also have a duty to familiarise themselves with all the safety regulations that apply to their job and the area in which they work. Refer to Birches Head Academy's Health & Safety Policy

## **24. Fraud and Corruption**

An employee who commits a fraudulent act is liable to disciplinary action, which may include dismissal and possible criminal prosecution even for a first offence. Fraud is defined as any manipulation of an accounting system or supply system to enable public money or material to be misappropriated.

24.2 Employees involved in the investigation of alleged fraud may be required to sign an additional code of conduct relating to their specific duties.

24.3. Private use of official facilities

24.4 Employees are not to use official stationery for private purposes and must not carry out private correspondence during working time. Employees are allowed to make private essential telephone calls that cannot be made outside working hours but this privilege must not be abused and the duration of all calls must be kept to a minimum.

24.5 Employees must obtain prior approval from a member of SLT to borrow School property for use to work at home, e.g. laptop computer, printer, etc. This must be recorded. When removing School property from the building they may be asked to show evidence of consent.

24.6 Employees are prohibited from the running of any other business either on or from school premises , or making use of any school equipment, facilities or property for any outside activities

## **25. Reporting of Arrests, Prosecutions, etc.**

25.1 Employees must report to the Principal details of any arrest or criminal conviction or caution made against them by the Police (except for minor traffic offences, i.e. where they do not mean imprisonment or suspension of his or her driving licence), where the offence is also a breach of discipline and/or may have a direct impact on the employee's job, or where it calls into question their suitability to work with children.

## **26. False Statements**

26.1 Employees must not make any false statement e.g. on subsistence/mileage claims, etc. Where there is evidence of an employee submitting such claims, he or she will be liable to disciplinary action and/or prosecution under the Theft Act 1968.

26.2 Where an employee has witnessed misconduct i.e. a fraudulent activity; he or she will have a duty to report such an incident. See also – Confidential Report (Whistleblowing) Policy.

## **27. Harassment/Bullying**

27.1 Birches Head Academy seeks to provide an environment for all employees, contractors and temporary workers free from harassment, bullying, intimidation and victimisation.

27.2 Disciplinary action will be taken against any employee who is found to have committed a deliberate or unlawful act of discrimination, sexual or racial harassment or bullying. See the Equal Opportunities Policy.

## **28. Misuse of the e-mail/internet**

28.1 Birches Head Academy will not accept any misuse of e-mail/internet, social media or telephones. Such behaviour may result in disciplinary action.

28.2 The misuse of the internet is typically the downloading, sending or accessing of offensive material that affect the dignity of any individual or group of individuals at work and which may constitute harassment. Threatening, obscene or harassing messages including chain e-mails and material that will cause offence and/or degrade individuals or minority groups will also constitute a disciplinary offence which may result in dismissal.

28.3 Under the Obscene Publications Act 1959 an employee may have criminal liability if an individual publishes material that could corrupt or deprave the persons likely to see the material, this includes the transmission of data stored electronically.

28.4 The Staff Acceptable use of ICT Agreement and the DfE document called 'Guidance for Safer Working Practice for Adults who work with Children and Young People' has clear guidance for staff on the use of ICT .

28.5 All communication with pupils should be made through school channels e.g. bha@bircheshead.com email in order to safeguard pupils and staff. Social networking sites should not be used to communicate with pupils.

28.6 Staff should not give their personal details such as home/mobile phone number; home or personal e-mail address to pupils unless the need to do so is agreed with the Principal.

## **29. Dress and Appearance**

Staff should dress appropriately according to their professional role. Staff are expected to wear a jacket around the building. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake.

All staff, apart from technicians are to wear a smart jacket (ie a suit jacket) which may be removed in classrooms/offices, but please ensure that you are wearing it as you move around school. Staff uniform must be worn where this is provided. Men should wear suits, shirts and ties (done up at all times) and should be clean shaven unless you have a moustache or beard. Women should make sure that all tops are smart and professional looking, no t-shirts or low-cut tops, trousers must be smart trousers and not chinos or linen. Dresses should be smart and professional, rather than holidays dresses. Footwear should include a front or a back (not open sandals). Where a uniform is provided this should be worn.

Those who dress or appear in a manner, which could be considered as inappropriate, could render themselves vulnerable to criticism or allegation.

Dress code rules are relaxed on staff training days.

## **Appendix 1**

### **Alcohol and Drugs Misuse**

1. The early identification of an alcohol or drug problem and taking appropriate action will minimise the effect of the problem on Birches Head Academy and other employees and may also help reduce any stress experienced by the individual.
2. It may be very difficult for people to admit they have a problem. There may well be a feeling of shame or fear of reprisals, particularly if they are taking illegal drugs.
3. There is no single symptom of an alcohol or drug problem. The presence of any or some of the following may indicate one (unless the employee is suffering from an undisclosed illness/disability):

#### **Absenteeism**

- Excessive sick leave, frequent and unexplained absences and lateness
- Frequent Monday and/or Friday absences
- Excessive lateness especially on Monday
- Leaving work early
- Frequent visits to the cloakroom
- Unexplained absence from post

#### **High rate of accidents**

- Frequent accidents at work resulting in injury and/or damage to equipment
- Accidents away from work

#### **Poor work performance**

- Difficulty in concentrating
- Taking longer than usual to do tasks
- Having an erratic work pattern
- Difficulty in recalling conversations, instructions or details
- Sticking to routine tasks and avoiding complex ones
- Frequent mistakes
- Improbable excuses for poor work
- Telling lies about performance
- Bad decision making
- Reluctance to accept responsibility



## Change in personality and behaviour

- Anxiety
- Depression
- Irritability
- Lethargy
- Mood swings
- A tendency to blame others
- Over-sensitivity to criticism
- Problems relating to colleagues
- Avoiding company
- Changes in attitude to authority

## Additional signs

- Smelling of alcohol at work
- Intoxicated at work (slurred speech, unsteadiness)
- Bloodshot eyes
- Shaky hands
- Poor personal hygiene and unkempt appearance
- Frequent borrowing of money
- Loss of driving licence through drink driving

The above is only a guideline; managers must investigate and not make assumptions as similar symptoms may occur in some illnesses. When in doubt managers are advised to contact their Personnel Provider.

4. Managers will encourage employees to seek help as soon as a problem is identified. Consideration will need to be made about the most appropriate action. To help bring any issues into the open a confidential meeting should be arranged with the individual (he/she may be accompanied by either a friend or union representative).

The meeting will need to be handled sensitively and focus on the wish to improve the employee's performance. The purpose should be to encourage the employee to admit there is a problem and explore the cause or reason for the problem.

It is important to establish whether any aspect of the job or stress has made the employee turn to drugs or alcohol.

It should be emphasised that the employee should be encouraged to seek help from a GP or a specialist agency.

5. Employees with a drink or drugs problem should have the same rights to confidentiality and support as they would if they had any other medical condition.

6. If the employee has difficulty in admitting there is a problem, then the Capability Policy and Guidance must be followed.

The consequences of continual poor performance need to be underlined if an employee is not ready to admit or refuses to recognise there is a problem. It is important to try and be supportive for as long as possible, however, where there are risks relating to health and safety action, transferring the employee may be necessary in the short term.

Where an employee continually fails to reach adequate performance levels and fails to accept help and/or improve then it may result in dismissal, through the fair application of the Capability Policy.

### **Policy Review Framework**

The policy should be reviewed 3-Yearly (or sooner in the event of revised legislation or guidance).