

Approval Body: SDBE MAT Board
Approval Date: 1st November 2017
Version: 3.0
Effective Date: 1st November 2017
Policy Ref: HRP03

HR POLICY HANDBOOK

CODE OF CONDUCT POLICY

This is a prescribed policy which has been approved by the SDBE MAT Board and must not be modified by Academies.
This document does not create contractual obligations on us and may be amended by us at any time.

I. INTRODUCTION

- 1.1 Our expectations are that all students receive the highest possible quality of teaching and learning within a positive and respectful environment.
- 1.2 It is important, therefore, that you understand that your own behaviour and the manner in which you conduct yourselves with colleagues, students, parents and other stakeholders sets an example and affects the school environment.
- 1.3 We recognise that the majority of employees and workers always act in an appropriate, professional manner and treat others with dignity and respect. However, we consider it important to make clear the standards we expect so that breaches, misunderstandings and/or misinterpretation of rules are kept to a minimum.
- 1.4 This Code and our other HR policies are intended to set out our expected standards of conduct, our rules and values. They apply to all employees and workers, regardless of status. They are not an exhaustive compilation of what employees and workers can and cannot do but it is hoped that it will ensure everyone is clear about what is acceptable and what is not.
- 1.5 The Code is binding on all our employees. It is expected also that other workers deployed within the School who are employed by external Agencies will adhere to its principles. Similarly, volunteers are also expected to adhere to the principles set out in the Code and should consider themselves to fall into the category of 'worker' whilst with the School for that purpose. Breaches of the Code and the standards expressed within it may result in disciplinary action against you, including dismissal for serious offences. We hope, of course, that such action won't be necessary and that all employees and workers will ensure that they read the Code and act in accordance with its requirements, standards and expectations at all times.

- 1.6 If there is anything in this Code that you do not understand, you should speak to your Line Manager or the Headteacher.

2. GENERAL REQUIREMENTS AND EXPECTATIONS

- 2.1 We have high standards and expectations of all employees and workers and the health, safety and welfare of the students is the priority. Therefore, it is required that you:
 - (a) provide a high standard of service in your dealings with governors, colleagues, students, parents and other stakeholders whether this is in person, by telephone, letter or email. Always be polite, responsive and treat people with respect and consideration. Be as clear as possible about any decisions and actions you take and the reasons for them;
 - (b) always use appropriate language and never demean, distress or offend the decency of others. This may happen, for example, by displaying material or pictures that could be seen as offensive, or by making degrading, suggestive or insensitive comments or remarks;
 - (c) do not make derogatory comments or seek to undermine the Headteacher, the Governors, the multi-academy trust, the Trustees or other employees;
 - (d) respect the rights of others and treat them with dignity. Never threaten, bully, fight with or assault anyone;
 - (e) never steal, damage or take items that belong to others (see also 5. 'Safeguarding and Dealings with Students' in relation to confiscation of items from students);
 - (f) hand lost property in to the Business Manager;
 - (g) do not discriminate against, harass or victimise anyone you meet in the course of your work, on any grounds (see also 3. 'Equality of Opportunity');

- (h) raise any concerns about inappropriate behaviour by students, parents or colleagues or about the internal workings of the School by following the appropriate policy. (Members of a Professional Association/Trade Union should also observe any Code, or rules, it has in place in relation to dealings with colleagues);
- (i) positively promote our vision, ethos and values;
- (j) comply with our policies and any other rules, regulations or codes that apply to your work and the workplace;
- (k) use electronic media communications appropriately, responsibly and legally at all times, whether within or outside the workplace/working hours;
- (l) do not make public statements about the Trust or the School without first obtaining authorisation from the Headteacher;
- (m) avoid actions that may discredit the school or bring it into disrepute;
- (n) ensure that you are not under the influence of alcohol during working hours (the Headteacher will decide if it is appropriate for alcohol to be made available at staff parties/social events) and do not abuse drugs;
- (o) do not disclose or misuse confidential information; and
- (p) do not engage in, or encourage, gossip, rumour or innuendo.

3. EQUALITY OF OPPORTUNITY

- 3.1 We are committed to providing equal opportunities in recruitment, employment and the workplace and to avoiding unlawful discrimination in all related practices.
- 3.2 Under the **Equality Act 2010**, there are certain 'protected characteristics' that qualify for protection against discrimination. These are age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

3.3 Unlawful discrimination can take a number of forms:

- (a) Direct discrimination occurs where a person is treated less favourably than another because of a protected characteristic they have, or are thought to have, or because they associate with someone who has a protected characteristic (also see below).
- (b) Indirect discrimination applies to age, disability, race, religion or belief, sex, sexual orientation, gender reassignment and marriage and civil partnership. It occurs where a rule, provision, criterion or practice is applied to everyone but has the effect of particularly disadvantaging people who share a protected characteristic. However, such indirect discrimination may be justified if it can be shown that it is 'a proportionate means of achieving a legitimate aim'.
- (c) Perceptive Discrimination, applying to age, disability, race, religion or belief, sex, sexual orientation and gender reassignment, is direct discrimination against an individual due to the fact that others think, or perceive, that they possess a particular protected characteristic.
- (d) Associative Discrimination applies to age, disability, race, religion or belief, sex, sexual orientation and gender reassignment. It is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- (e) Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual." Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees/workers can

complain about behaviour they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic him/herself. Employees and workers are also protected from harassment because of perception and association (see above).

- (f) Victimisation occurs when an employee/worker is badly treated because s/he has made or supported a complaint, or raised a grievance, or is suspected of doing so. However, s/he is not protected from victimisation if the complaint has been made or supported maliciously.
- (g) Pregnancy and maternity provisions afford protection against discrimination to women during the period of the pregnancy and any statutory maternity leave.

3.4 Everyone is required to assist in meeting the commitment to providing equal opportunities and avoiding unlawful discrimination. Employees and workers can be held personally liable as well as, or instead of, the employer for acts of unlawful discrimination. Anyone who commits a serious act of harassment may be guilty of a criminal offence. Acts of discrimination, harassment or victimisation against anyone else are disciplinary matters and will be dealt with accordingly. Such acts may constitute gross misconduct and could lead to dismissal without notice.

4. MANAGEMENT AND EMPLOYEE RELATIONS

4.1 An atmosphere of mutual confidence, trust and respect between managers and employees/workers is essential to achieving our aims and targets and providing a high quality of teaching and learning.

4.2 As an employee/worker you should:

- (a) promote the School and Trust in a positive manner;
- (b) work reliably and in accordance with our policies and practices as well as any other

rules and regulations that apply to your work and/or the workplace;

- (c) carry out any reasonable instructions given to you by your manager and/or Headteacher; and
- (d) recognise that you are part of a team and that everyone should be working together to achieve similar aims for the overall benefit of the students.

4.3 As a leader/manager you should, in addition to the above:

- (a) support and assist employees to carry out their work properly;
- (b) in your dealings with employees, act in accordance with their conditions of service;
- (c) in consultation with employees, set standards of work and objectives, as appropriate to their role;
- (d) give feedback and advice on areas for further development to assist employees in meeting objectives;
- (e) aim to continually develop employees to meet current and future needs of the school;
- (f) ensure compliance with the Working Time Regulations 1998, as amended, recognise the need for employees to pursue interests outside work and, therefore, be able to enjoy a reasonable work/life balance;
- (g) consider constructive suggestions for improvements to working practices and standards;
- (h) treat all employees fairly, consistently and with dignity;
- (i) provide a working environment free from discrimination and harassment; and
- (j) Provide a safe and healthy working environment.

5. SAFEGUARDING & DEALINGS WITH STUDENTS

5.1 We are committed to safeguarding and promoting the welfare of children and young people. You are expected to share this commitment. Each of our Schools has a separate detailed policy for Child Protection and Safeguarding which you must adhere to.

5.2 We aim to create a safe and positive environment for students in order to protect and promote their health and general well-being, as well as to provide an atmosphere that encourages and enhances learning and all-round development.

5.3 In particular, you are expected to:

- (a) work towards and encourage the highest possible level of achievement for all students;
- (b) value and respect all students equally, treating them in a polite, positive, responsive and considerate manner;
- (c) apply your **School's policy on Pupil Behaviour and Discipline** as situations demand in order to encourage and develop appropriate behaviours;
- (d) ensure that items confiscated from students are left in a safe place, ideally labelled and locked away and inform parents/guardians about when items will be returned;
- (e) ensure that you have read and fully understand your **School's Child Protection policy** and act in accordance with the principles and processes set out within it at all times;
- (f) ensure that you do not breach professional boundaries and do not act in a way that could be misinterpreted or otherwise leave you vulnerable to allegations of inappropriate behaviour. In particular, in relation to contact with students, you must not:

- (i) establish, or seek to establish, social contact with students or aim to secure a friendship or strengthen a relationship, for any reason. This includes 'electronic' contact, such as by email or social networking sites;
 - (ii) buy or give gifts to children other than as part of a school rewards system;
 - (iii) give to, or exchange with students any personal details such as home/mobile telephone number or home or personal email address for any reason, unless a specific need to do so is agreed with your Line Manager or the Headteacher; or
 - (iv) offer or give lifts to students in your own personal vehicle.
- (g) exercise your professional judgment in making an appropriate response if a student seeks to establish social contact with you, either by electronic or other means, or if contact should occur accidentally; and
- (h) be aware and understand that all employees and workers, whatever their role, have a responsibility for safeguarding and promoting the welfare of children. If you are unclear about your responsibilities in this area you should speak to your Line manager or to the Headteacher.
- 5.4 Note also that, if an allegation of abuse is made against you, the relevant national and local safeguarding guidelines and procedures will be followed. These are designed to ensure the safeguarding and welfare of the child/children and to protect the best interests of the individual employee/worker. The Department for Education's statutory guidance in **Part 4 of "Keeping Children Safe in Education" (September 2016)** www.gov.uk/government/publications/keeping-children-safe-in-education--2 will be used where it is alleged that an individual has:
- (a) behaved in a way that has harmed a child, or may have harmed a child;

- (b) possibly committed a criminal offence against or related to a child; or
- (c) behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

6. HEALTH & SAFETY

- 6.1 It is important, therefore, that you read and familiarise yourself with the content of the relevant documents in place within the School and Trust in relation to Health and Safety and, in particular, any specific duties assigned to you as part of the policy.
- 6.2 You are required to comply with Safety Regulations and to use any safety equipment and protective clothing which is supplied to you by the school, as well as any hygiene and accident reporting requirements.
- 6.3 You must never act in a way which might cause risk or damage to any other members of the school community, or visitors. In general, all employees/workers are required to take due care for their own safety and the safety of their fellow employees at all times.

7. SECONDARY EMPLOYMENT

- 7.1 The Working Time Regulations 1998, as amended, are a Health and Safety initiative and cover all work undertaken. To enable us to comply with the Regulations and maintain the health and safety of all employees, you must inform your Line Manager of **ALL** work undertaken, or applied for, elsewhere (should you be engaged in, or intending to be engaged in, other paid or unpaid work). In addition, it is important you are aware that there should be no conflict of interest, nor any contractual conflict, between your work for the school and your work elsewhere. Approval to undertake, or continue with, secondary employment can only be granted in circumstances where there is no conflict with the provisions of the Working Time

Regulations nor any other conflict of interest or contractual conflict.

- 7.2 Any employee asked to undertake private tutoring of students must first seek approval from the Headteacher.

8. GENERAL WORKING STANDARDS

Hours of Work and Attendance

- 8.1 It is important that all employees are in the workplace at their agreed starting time and do not leave before their agreed finishing time. Bad timekeeping and poor attendance increases costs, causes disruption for others and has an adverse effect on students' education.
- 8.2 We recognise that the majority of employees are punctual and do not take time off without good cause or obtaining prior permission.
- 8.3 Our expectations are that:
 - (a) you attend work in accordance with your contract of employment and associated terms and conditions in relation to hours, days of work and holidays;
 - (b) wherever possible, you make routine medical and dental appointments outside of your working hours or during holidays. The only exceptions to this requirement will normally be in the event of an emergency, particular difficulty in relation to hospital appointments (which are rarely negotiable) or to attend for ante-natal care if you are pregnant. Pregnant employees are entitled to paid time off for ante-natal appointments. In any circumstances, however, you should agree time off with your manager at the earliest opportunity to ensure that adequate cover arrangements can be made;
 - (c) prior to making any request, you refer to our policy on discretionary leave in our **Non Sickness Absence policy** if you need time off for any reason other than personal illness. It is important to note that, except in cases of serious urgency no

employee may, without prior permission, be absent from duty for any cause other than personal illness.

Appearance and Dress

8.4 It is expected that:

- (a) when at work, or representing the School, you ensure that your appearance is neat and clean;
- (b) you always dress in a manner which is appropriate to your role and the circumstances or setting in which you work;
- (c) you remember that you are a role model for students and your appearance and dress should reflect this important and unique position; and
- (d) you do not dress in a way that may cause embarrassment to students, parents, colleagues, governors, other stakeholders or visitors.

8.5 Ultimately, it will be for the Headteacher to decide whether an employee's/worker's appearance and/or dress are appropriate or not.

8.6 We must ensure that the rights of employees to dress as they please, and in accordance with their principles and beliefs, is balanced with the need for the School to promote a suitable image to its stakeholders. At all times, care will be taken not to discriminate in relation to appearance and dress requirements.

No Smoking, No Vaping

8.7 Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

8.8 In particular, you should note the following:

- (a) it is an offence, punishable by a fine and possible criminal prosecution, to smoke (or allow smoking) in 'enclosed' or 'substantially enclosed' public places and workplaces;
 - (b) public transport and work vehicles used by more than one person must be smoke free at all times, regardless of whether others are in the vehicle at the same time;
 - (c) employee smoking rooms and/or indoor smoking areas are not allowed;
 - (d) all employees, workers and others must respect the law on smoking. You must understand and be clear that smoking is strictly prohibited in all areas within the school premises and school. Areas of the premises include classrooms, sports areas, dinner halls/restaurants, staff rooms, meeting rooms/Committee rooms, workshops, rest areas, stairs, corridors, lifts, toilets, reception and storage areas whether they are permanent, moveable or temporary (including, for example, tents and marquees); and
 - (e) the Smoke free Regulations do not affect private homes. However, common courtesy requires that employees and workers do not smoke while carrying out home visits. (Similarly, employees and workers carrying out duties relating to their employment can request that parents, other family members or persons within the household do not smoke while they are visiting otherwise the visit may be terminated and alternative arrangements made).
- 8.9 Smoking (including 'vaping') should not take place around the School perimeter or within sight of our premises.
- 8.10 Employees and workers should also be aware and understand that the School's no smoking policy and arrangements apply similarly to the use of electronic cigarettes (e-cigarettes). We do not wish to encourage our children to start smoking by appearing to normalise smoking.

8.11 You are responsible for informing a member of the Senior Leadership Team of any breaches of our smoking arrangements.

Proper use of IT systems

8.12 **IT. System** includes all our equipment and communications systems including photocopiers, scanners, printers, fax machines, computers, phones, tablets, servers, CCTV cameras as well as electronic systems such as email and Internet access, our website and intranet and managed and virtual learning environments and any associated hardware and software.

8.13 You are expected to act honestly, responsibly and appropriately at all times when using our I.T. System.

8.14 Our I.T System must not be used for knowingly transmitting, retrieving, copying, sharing or storing any communication or information that is:

- (a) discriminatory or harassing;
- (b) derogatory to any individual or group;
- (c) obscene or pornographic;
- (d) defamatory or threatening; or
- (e) engaged in any purpose that is illegal or contrary to our regulations, policies or interests.

8.15 Persons on the Leadership Pay Range or our Executive Team may authorise personal use of the I.T. System which :

- (a) does not interfere with the performance of professional duties;
- (b) is of reasonable duration and frequency;
- (c) serves a legitimate organisational interest, such as enhancing professional interests or education;
- (d) does not compromise security or safety requirements, or adversely affect the performance or work of your school, the students or the individual employee/worker; and
- (e) does not overburden our systems, create difficulties for others and/or result in additional expenditure

8.16 As a general rule, any approved personal use of the I.T. System should be carried out outside of working hours.

8.17 Responsibility for the safe-keeping and proper use of any equipment issued lies with the individual employee/worker. Reasonable steps should be taken to prevent theft or damage to equipment, e.g. not leaving equipment visible in an unattended vehicle. You must not remove our equipment or resources without the express permission of your Line manager, your Headteacher or the Executive Team.

Using your own IT resources

8.18 You should not bring personal laptops, iPads, tablets or similar devices into the workplace without the specific permission of a person on the Leadership Pay Range or the Executive Team. In specific circumstances, where permission may have been granted, the equipment must be held securely at all times and not left unattended where it may be accessed by students or other persons.

8.19 Personal mobile phones may be brought onto the premises for practical purposes but must similarly be used responsibly, this includes not in lessons or in sight of pupils (e.g. on the corridor), and not left unattended where they may be accessed by students or other persons.

8.20 Please note that we do not accept any responsibility for personal belongings brought onto the premises, or elsewhere in relation to work or during working time.

Use of Personal Data

8.21 Information held relating to our work is a resource belonging to us. This applies whether information is held manually or electronically.

8.22 You must use sensitive information properly and have due respect for confidentiality. If you have access to such information, you should ensure that you:

- (a) know what information we treat as confidential (check with your manager if you are unsure);
- (b) know who is entitled to have access to what information (check with your manager if you are unsure);
- (c) are responsible and professional in using and allowing access to personal information on students, parents, staff, governors and any others; and
- (d) use personal information in line with the principles of data protection legislation. Such data must:
 - (i) be used fairly and lawfully;
 - (ii) be used for limited, specifically stated purposes;
 - (iii) be used in a way that is adequate, relevant and not excessive;
 - (iv) be accurate;
 - (v) be kept for no longer than is absolutely necessary;
 - (vi) be handled according to people's data protection rights;
 - (vii) be kept safe and secure; and
 - (viii) not be transferred outside the UK without adequate protection.

8.23 There is stronger legal protection for information such as ethnic background, political opinions, religious beliefs, sexual orientation, physical and mental health, and criminal records.

8.24 Confidentiality requirements apply whether relevant data is held manually or electronically.

8.25 Notwithstanding confidentiality requirements, as set out above, you have an obligation to share with the Designated Safeguarding Lead any information which gives rise to concern about the safety or welfare of a student. **You must NEVER promise a pupil that you will not act on information that they are told by him or her.**

8.26 If you are unsure about the use of any information which is, or may be, deemed to be sensitive and/or confidential, you should consult your Line Manager or Headteacher for clarity.

Email and Internet Usage

8.27 The use of email and the Internet is encouraged as it facilitates communication, enhances our work and improves efficiency. However, inappropriate use may lead to problems ranging from issues relating to productivity to legal claims.

8.28 You are expected to:

- (a) adhere to any requirements in place relating to use of the systems for work-related and any permitted private use (if applicable);
- (b) assist in reducing email overload and aid productivity wherever possible by (for example) sending email messages only to those for whom they are relevant, send blind (bcc) copies wherever possible, not automatically reply to all names on a "cc" list (it may be inappropriate in some cases or irrelevant for some recipients). Only send attached files where necessary;
- (c) be aware that although email encourages rapid communication, the contents of email messages should be written with care. Messages sent without proper consideration can cause unnecessary misunderstandings. Email should not be used as a substitute for face-to-face communication;
- (d) be aware that offers accepted or contracts transmitted via email are legally binding;
- (e) be aware that emails and email contact lists contained on our system are our property even though created by an individual employee/worker;
- (f) use the Web as and when appropriate for work purposes. Even when being used for work-related activities, browsing can be highly time-consuming

- (g) use the Web and the email systems responsibly. Use of the Internet for illegal or inappropriate activities will not be tolerated. Such activities include (but are not limited to):
 - (i) online gambling;
 - (ii) accessing offensive, obscene or indecent material, including pornography, or downloading or distributing copyright information;
 - (iii) sending or posting abusive, rude or defamatory messages about people or organisations;
 - (iv) sending or forwarding any message that could constitute bullying or harassment, unauthorised non-business used, including personal messages, jokes, cartoons or chain letters; or
 - (v) posting confidential information about us or other employees/workers, governors, parents, students, or anyone associated with them.
- (h) respect the copyrights, software licensing rules and property rights, and in general the privacy and prerogatives of others; and
- (i) use social networking sites responsibly and appropriately (see below).
- (c) all log-ins/passwords must be kept confidential. They must not be given to any other person. Neither should any employee/worker use someone else's log-in or password;
- (d) no external software may be used without the prior permission of your Line Manager, your Headteacher, the Executive Team or person within the School responsible for computer security; and
- (e) **all electronic data must be held in an encrypted manner.**

8.30 Misuse of computers is a serious disciplinary offence. The following are examples of misuse:

- (a) fraud and theft;
- (b) system sabotage;
- (c) introduction of viruses;
- (d) obtaining unauthorised access;
- (e) using the system for private work or unauthorised game playing;
- (f) breaches of the Data Protection Act;
- (g) sending abusive or defamatory messages or statements about people or organisations, or posting such messages or statements on any websites or via email;
- (h) attempting to access prohibited sites on the internet;
- (i) hacking; and
- (j) breach of our security procedures

Computer Security and Misuse

8.29 In general, you should note that:

- (a) those with access to personal data are in a particularly sensitive position and must be aware of the provisions of the Data Protection Act;
- (b) all Internet sites accessed, as well as other applications, should be closed when finished with and computers switched off. Computers should never be left open and unattended;

The above list is not exhaustive. Depending on the circumstances, misuse of the I.T System may be considered to be gross misconduct. Misuse amounting to criminal conduct will be reported to the police.

Social Media and Applications

8.31 Use of work-related social networking sites or applications is restricted to any arrangements, rules and/or protocol established by us. You should first refer to a person on the Leadership Pay Range or the Executive Team if you are unclear about the use of these sites.

8.32 Work-related social networking sites must not at any time be used for personal communications.

8.33 When using a social networking site, either for work-related purposes or outside of working time for personal use, you must:

- (a) make sure that you understand your online privacy settings and use them responsibly and appropriately;
- (b) not divulge any confidential information about, or belonging to, the Trust, the School, governors, employees/workers or students associated with them and/or personal data/information which could be in breach of the Data Protection Act;
- (c) not disclose any information which is not yet in the public arena;
- (d) not post any illegal material, e.g. images of child abuse or material which incites racial hatred;
- (e) not make any offensive, defamatory, discriminatory, critical or other inappropriate comments about us, governors, employees/workers or students;
- (f) not claim to be representing us when using social networking sites in a personal capacity (note that stating you are employed by us does infer 'representation'). You must make it clear when posting information or comments that any personal views expressed do not represent our views (Use a disclaimer such as "The views expressed here are my own and do not represent the views of my employer");
- (g) not misrepresent us by posting false or inaccurate statements about your work;

(h) not link your own blogs/personal web pages to our website;

(i) not use any of our logos on any personal page, or without the specific consent of your Line Manager or Headteacher for work-related purposes;

(j) not publish any material or comment that could undermine public confidence in you as an employee/worker in a position of trust; and

(k) link to, message, tag, befriend or otherwise contact or communicate with any of our current or former pupils.

The above list is not exhaustive.

9. KEEPING WITHIN THE LAW

9.1 Employees and workers are expected to operate within the law. Unlawful or criminal behaviour, at work, or outside work, may lead to disciplinary action, including dismissal, being taken against employees.

9.2 You must ensure that you:

(a) uphold the law at work;

(b) never commit a crime away from work which could damage public confidence in you or the school, or which makes you unsuitable for the work you do. This includes, for example:

(i) submitting false or fraudulent claims;

(ii) breaching copyright on computer software or published documents;

(iii) sexual offences, violence or any other form of abuse which will render you unfit to work with children or vulnerable adults;

(iv) crimes of dishonesty which render you unfit to hold a position of trust; and

- (c) write and tell the Headteacher (Chair of Governors/Chair if you are the Headteacher) immediately if you are arrested, being investigated for, are charged with, convicted of, or cautioned for, any crime whilst you are employed at the School or if you are under investigation by the National College of Teaching and Leadership or other regulatory or professional body or if your legal right to work in the UK is challenged. This includes outside of your working hours. (You do not need to inform the Headteacher/Chair of Governors of offences that do not involve the police such as a parking or speeding fine). The Headteacher would then need to consider whether any investigations, charges or convictions damage public confidence in the school or makes you unsuitable to carry out your duties.

10. CONFLICTS OF INTERESTS

- 10.1 We expect all employees, workers, consultants and governors to be scrupulously honest in their work. Colleagues, students, parents and the public in general are entitled to have absolute confidence in the trustworthiness and honesty of everyone working for us. Our business should be conducted, and be seen to be conducted, in an objective and unbiased manner. There may be occasions when there is scope for conflict between your own interests and our interests.
- 10.2 It is a requirement of the **ESFA's Academies Financial Handbook 2017 (Paragraphs 3.1.16 - 3.1.20)** that we have a Register of Interests and that it must capture relevant business and pecuniary interests of members trustees, governors and senior employees and that we must consider extending the register to include other interests.
- 10.3 We have decided that the following employees must complete an annual declaration of interests to be included in the Register of Interests and must also declare any interest to our Executive Team immediately it becomes apparent:

- (a) persons on the Leadership Pay Range;
- (b) persons with Teaching and Learning Responsibilities;
- (c) School Business Managers;
- (d) persons working in the finance function;
- (e) any other person who is a budget holder; and
- (f) any other person involved in the procurement of goods or services.

10.4 Only the interests of trustees and members must be published on our trust website and on each relevant School website.

10.5 For the purposes of this Code of Conduct “**Connected Person**” means any of:

- (a) your partner or ex-partner (which includes a wife, husband, civil partner and any person you had a personal or romantic relationship with);
- (b) your father, mother, sister, brother, son, daughter, uncle, aunt or cousin;
- (c) your partner's father, mother, sister, brother, son, daughter, uncle, aunt or cousin;
- (d) the partner of any those people listed at (a) (b) or (c);
- (e) a person with whom you have a business relationship; and
- (f) the partner of a person with whom you have a business relationship.

10.6 The interests which must be formally declared on the declaration of interests form include:

- (a) directorships, partnerships and employments that you or a Connected Person have with businesses which provide goods or services to us;

- (b) trusteeships and governorships including at other educational institutions or charities irrespective of whether there is a trading relationship with us; and
 - (c) for each interest, the name of the business, the nature of the business the nature of the interest, and the date the interest began.
- 10.7 To avoid any difficulties arising from a potential clash of interests you must:
- (d) notify our Executive Team in writing if you or a Connected Person have links, of any sort, with an outside organisation which may carry out work for us, or supply us with goods or services (or is tendering or preparing to do so);
 - (e) not participate in any recruitment process where a Connected Person has applied or is intending to apply a post with us ;
 - (f) not participate as part of any recruitment process or other panel (e.g. as a staff governor on a Pay Panel) if you may be in a position to benefit from the outcome; and
 - (g) report in writing any possible conflict of interest to our Executive Team.

11. BRIBERY

- 11.1 There are four possible criminal offences under the **Bribery Act 2010**:
- (a) offering, promising or giving a bribe;
 - (b) requesting, agreeing to receive or accepting a bribe;
 - (c) bribing a foreign official to obtain or retain business; and
 - (d) failure by an organisation to prevent bribery by those acting on its behalf.
- 11.2 There are some people who believe they will receive better service or more favourable treatment if they offer payment, goods, services or favours. It is, therefore, important that you are alert to such

behaviour and be aware that it is a criminal offence to request or receive a bribe, as well as to give or offer one.

12. PERSONAL GAIN, GIFTS AND HOSPITALITY

- 12.1 Under the **ESFA's Academies Financial Handbook 2017 (Paragraph 3.1.12)** no member trustee, governor employee or Connected Person may use their connection to us for personal gain (other than salary for employees) including payment under terms that are preferential to those that would be offered to an individual or organisation with no connection to us.
- 12.2 Under the **ESFA's Academies Financial Handbook 2017 (Paragraph 3.5)** we are required to have a policy and a register of the acceptance of gifts, hospitality, awards, prizes, commission or any other benefit which might be seen to compromise their personal judgment or integrity (hereafter "**Gift**").
- 12.3 The general principle is that you should not receive or ask for any Gift.
- 12.4 It is well-established practice within the education environment that employees may be presented with small tokens of appreciation, for example at festivals or at the end of a school year and this is acceptable. However, it is unacceptable to receive Gifts on a regular basis from the same person, business or family, or to receive Gifts that are of a significant value (i.e. over £10).
- 12.5 There may be other occasions when it is inappropriate to reject gifts. In these circumstances, any employee or worker must only accept occasional, token gifts that are clearly a small gesture of appreciation. If gifts from the same source become frequent (monthly or more) and/or are significant in value (over £10) this must be immediately reported for approval to either our Executive Team (if it relates to any Trust central staff, a School Business manager or to a member of the School's

SLT), or to the School's Headteacher and Business Manager (if it relates to anyone else).

- 12.6 Any Gift received (other than a one-off gift under £10 such as an end of year gift) must be declared and recorded in the Register of Gifts.

13. GIVING EMPLOYMENT REFERENCES

13.1 There are a series of legal obligations on us when giving employment references: to the recipient of the reference we owe a duty to take reasonable care and skill to ensure that the reference is true, accurate, fair and not misleading; to the subject of the reference we owe a duty to take reasonable care when preparing the reference and to comply with our duties under the Data Protection Act to ensure that personal data and sensitive personal data are processed fairly and lawfully.

13.2 You should be aware that any reference supplied by us to a future prospective or active employer will be confidential and will not be shared with you by us either in advance or after it has been sent (unless where it forms part of a formal Settlement Agreement.)

13.3 Any reference given will always be subject to our obligations under the Safeguarding Vulnerable Groups Act 2006 and the Education Act 2002 which would allow us to refer to any concern about safeguarding of children.

13.4 Authorisation

Only the School's current Headteacher or our current Executive Team (the Author) are permitted to give a reference about you to a prospective or actual employer in relation to your employment with us.

It will be a breach of the Code of Conduct if any other employee gives a reference.

13.5 Reference Content

Any reference from the Author must:

- (h) be in writing and there must no oral references given in person or by telephone;
- (i) be stated to be in strictest confidence;
- (j) comply with the relevant provisions in the remainder of paragraph 13.5; and
- (k) contain the following statement: *"In accordance with our usual practice the above information is given to the addressee in confidence and in good faith solely for the purposes for which it was requested and on the understanding that neither its author nor SDBE Multi Academy Trust accept any responsibility for any errors omission or inaccuracy in the information or for any loss or damage that may result from reliance being placed on it. We do not provide oral references in person or by telephone"*.

General Information

For all staff regardless of the sector in which they are applying to work, the reference:

- (a) shall contain the following information about you:
 - (i) full Name;
 - (ii) former Names;
 - (iii) date of Birth (to assist the new employer in verification of identity);
 - (iv) most recent job title;
 - (v) most recent annual salary;
 - (vi) the date you started your employment with us and with any predecessor if your employment transferred to us by reason of TUPE;
 - (vii) the last date of employment if you have left employment; and
 - (viii) the details of any unexpired disciplinary or capability sanctions including details of

whether there is any outstanding appeal against such sanctions.

(b) may contain (at the Author's choice) either:

(i) information about the Author's opinion or the School's opinion of your suitability for the role requested or,

(ii) if it is the Author's choice not to provide any opinion as to the suitability of any employee the reference will contain the following statement:

"As a matter of policy we do not comment on the suitability of candidates for external roles. You should make your own assessment of their suitability to meet your requirements"

The Author must choose one of these approaches to opinion about suitability and apply it to all employees.

Information about safeguarding of children

Additionally for references for roles with contact with children the reference must offer a view of whether we have any information suggesting you are not suitable to work with children or whether there have been any safeguarding concerns relating to you.

This will include any information in relation to disciplinary investigation or proceedings about safeguarding which have not been completed at the time of your departure, whether or not it is requested by your prospective or actual employer.

Information about formal consideration of teacher capability

For references for teachers proposing to join maintained schools or academies there is a legal obligation on us under our Funding Agreement with the DfE to provide written details of any concerns which have given rise to any formal consideration of your capability in the last 2 years, its duration and the outcome if that information is requested in writing by the prospective or actual employer.

Information about your health and sickness absence

Actual and prospective School employers have an obligation either under the **Education (Independent School Standards) (England) Regulations 2014** or the **Education (Health Standards) (England) Regulations 2003** to be satisfied that a prospective employee is medically fit for work in a school setting.

As the current or former employer we have a duty to ensure compliance with fair and lawful processing of sensitive personal data relating to information about your health.

If an actual or prospective employer makes a request for information about your health, sickness absence or medical fitness we will inform you of the questions which have been asked and give you the choice of which of the following texts we send to your prospective or actual employer:

Option A

"You have asked questions about the candidate's medical fitness for the role. As this would require us in the processing of sensitive personal data we believe we require the consent of the data subject to release that information. We do not presently have that consent."

Option B

*"You have asked questions about the candidate's medical fitness for the role. As this would require us in the processing of sensitive personal data we believe we require the consent of the data subject to release that information. We do have that consent and can release the following information: **[TO BE AGREED WITH YOU]**"*

Information about uncompleted disciplinary investigations or proceedings unrelated to safeguarding or child protection

If at the time your employment ended (or the time the reference is requested if you remain in employment) there were disciplinary

investigations or proceedings uncompleted (which do not relate to safeguarding or child protection) and your prospective or actual employer asks us whether there were any such uncompleted investigations or proceedings the Author will provide the following response with the relevant factual details:

“You have asked if there [are] [were] any uncompleted disciplinary investigations or proceedings relating to the candidate. I set out the details of the uncompleted disciplinary process. It is important to note that this process was not completed and that no formal decision had been reached by us about the truth of the disciplinary allegations or on any mitigating factors”

In a situation where the allegation if proven would not have resulted in a dismissal the Author may state:

“Had the allegations been proven the severest sanction available would have been a [first] [final] written warning.”

Your prior consent

Before the Author will supply a reference to your prospective or actual employer, you must send the following wording in writing to us either by email from an email account already known to us as belonging to you or in printed form signed by you. This consent must be supplied for each prospective or actual employer.

“Authorisation to supply reference

I authorise SDBE Multi-Academy Trust to supply a confidential employment reference to [NAME OF YOUR PROSPECTIVE OR ACTUAL EMPLOYER] in accordance with your current policy on giving employment references and I consent to the disclosure of personal data as set out in that policy.”