



**Nottinghamshire  
County Council**



# **Holly Primary Employee Code of Conduct**

**September 2020**

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Please also note that any changes to the original policy documentation will require your governing body or trust to re-consult with the secretaries of the recognised trade unions and staff in your school.

## Nottinghamshire School Employee Code of Conduct

**Name of School: Holly Primary**

### **1. Introduction**

- 1.1** The Governing Body of the school has adopted this code of conduct on 1/9/20. The governing body will review and monitor the impact of the code annually with the head teacher. The next review will take place annually.
- 1.2** The governing body has adopted the policy set out in this document to provide a clear framework for the exercise of its powers and discretions in relation to all staff employed in the school and paid from within the school budget.
- 1.3** This code of conduct should be read in conjunction with the [School Staff Induction Policy](#), the [Disciplinary Procedure for School staff part 1 Managing Conduct of School staff & Part 2 Managing Allegations of School staff](#) and the [Whistleblowing and Confidential Reporting Policy](#).
- 1.4** Please note the word 'staff' apply to all staff and supply staff throughout this document.
- 1.5** In accordance with the latest DFE 'Keeping Children Safe in Education' 2020 which comes in to effect 1<sup>st</sup> September 2020 statutory guidance this code has been adopted by this school in order for all school staff to be fully aware of the standards of personal and professional conduct in relation to safeguarding children. This policy supports existing school systems to ensure that all children are safe. The code gives a clear framework for staff to understand their responsibilities and will be discussed during the course of their employment, for example at induction and at team meetings to ensure the code is understood by all staff; applied appropriately; monitored and positively promoted in school. Governing bodies should ensure that all staff in their school read at least Part one of this guidance (Part one: Safeguarding information for all staff KCSiE 2020 )
- 1.6** Every member of school staff will be required to read this code of conduct and date and sign to confirm that they have read and understood the document. For new staff it will form part of their induction. Where staff have any questions or concerns about the

requirements of this code then advice should be sought from their line manager or the head teacher.

- 1.7** All staff have a responsibility to be aware of systems within their school which support safeguarding and any temporary amendment to these should be explained to them by senior managers. This includes this policy, the school's child protection policy, and online safety / acceptable use policy.
- 1.8** There is an expectation that all employees in this school will conduct themselves in a manner commensurate with the highest standard in order to maintain public trust and confidence in themselves as employees and the school generally, so they are beyond reproach in the performance of their duties.
- 1.9** Each member of school staff has a duty to ensure that the appropriate standards of conduct are upheld both by themselves and by colleagues.
- 1.10** Part of the responsibilities of Ofsted Inspection is to assure safe and secure provision for children, young people and learners across all remits through effective inspection and regulation. Safeguarding the welfare of children is part of Ofsted's core business for all staff, who are expected to be aware of their responsibilities in this regard. A code of conduct is essential to ensure school staff understand the required expectations of them.

## **2 Consultation and Agreement with the Recognised Trade Unions**

- 2.1** The Nottinghamshire School (Holly Primary School) Policy/procedure is recommended for adoption by all community, voluntary aided, voluntary controlled, academy, foundation, and trust schools who purchase their HR Service from Nottinghamshire County Council.
- 2.2** This **policy/procedure** has been agreed with all of the recognised trade unions through the JCNP process and meet legislative requirements.
- 2.3** Due to the complexities of this area of employment and education law, governing bodies are strongly advised to adopt the attached policy without amendment. Should, exceptionally, a governing body seek to amend the recommended policy, they will need to consult/negotiate any changes collectively with all the secretaries of the recognised trade unions and confirm any amendments to the local authority. Governing Bodies are strongly recommended to seek advice from the HR service in these circumstances.

## **3. Equalities and Equal Opportunities**

- 3.1** The governing body recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex (gender), sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 3.2** The governing body is aware of its responsibilities under the Freedom of Information Act 2000 and to make available this policy to all staff at the school.

## **4. Aims of the Policy**

### **4.1 The aims of the governing body's Code of Conduct are**

- a) To define the responsibilities and standards required of all who work for and behalf of the School
- b) To advise staff of the consequences of failing to follow the code of conduct or additional unacceptable behavior
- c) To advise staff that their behavior outside of the school environment may reflect on their suitability to work with children. Where their behavior could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, bringing the employer into disrepute or such behavior may result in the prohibition of teaching by the Teacher Regulation Agency, or a bar from another relevant regulatory body.

## **5. Underlying principles**

- 5.1** All school staff must act within the law whilst undertaking their official duties. Staff must not undermine fundamental values, including democracy, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.
- 5.2** Teachers including supply staff and volunteers must have an understanding of, and always act within, the statutory frameworks (for example KCSIE 2020 and Working Together to Safeguard Children 2018) which set out their professional duties and responsibilities. Where staff are members of professional bodies, they must also comply with any standards of conduct which are set by that body. The conduct of all teachers must always be in line with the Teacher's Standards and for head teachers, the National Standards of Excellence for head teachers January 2015.
- 5.3** Staff including supply staff must have proper and professional regard for the ethos, policies and practices of the school, and maintain high standards in their own conduct, performance, attendance and punctuality. Staff should ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to act inappropriately or to break the law or the policies and procedures of the school. Staff should always show respect for the rights of others.
- 5.4** Staff are expected to provide the highest possible standard of conduct and service. Where staff are aware of any contraventions of this Code, illegality, misconduct or breach of procedure they should notify their head teacher.
- 5.5** Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation
- 5.6** All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. Therefore, staff should be aware that their behaviour either in or outside of the workplace could compromise their employment position, resulting in the loss of trust and confidence in their ability to protect children, or bringing the school into disrepute. This includes an expectation that all staff conduct themselves appropriately at all times inside and outside of work which includes the requirement to protect their own and other people's safety by following relevant

government guidance. Such behaviour by an individual may invoke the Disciplinary Procedure/and may result in prohibition from teaching by the Teaching Regulation Agency (TRA), or action by another relevant body.

- 5.7 Staff should not consume or be under the influence of alcohol or any other substance, including prescribed medication, which may affect their ability to care for children and fulfil every aspect of their role in school. Any concerns should be discussed with the headteacher immediately or in the case of the headteacher the chair of governors.
- 5.8 Staff need to be aware of their position working with a child/ren in a school are in a position of trust, and fully understand with this role the adult has a position of power or influence. It is vital for adults to understand this power; that the relationship cannot be one between equals. Therefore all staff should understand that in their position they have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.
- 5.9 The headteacher/Governing body/all staff have a responsibility to report concerns that might indicate a person would pose a risk of harm if they continue to work in regular/close contact with children in their present position. This includes all staff, supply staff and volunteers. The school must work with other agencies to investigate when who has worked at the school has “behaved or may have behaved in a way that indicates they may not be suitable to work with children” (KCSiE 2020, paragraph 211)
- 5.10 Staff including supply staff need to be aware that the school will be working closely and advising supply agencies of its processes for managing allegations. This will ensure that agencies are fully involved and will cooperate in any enquiries from the LADO. Police and/or other children services. In cases regarding supply staff the school will usually take the lead because agencies do not have the direct access when collating the relevant information when an allegation is made..
- 5.11 The Code does not seek to address every possible circumstance, and simply because a particular action is not addressed within the Code, this does not condone that action by omission. Staff at times will be required to exercise their professional judgement and act reasonably at all times. Where a member of staff is unsure about how to respond to a particular situation, guidance and support should be sought from the head teacher, or in the case of concerns about the head teacher, from the Chair of Governors or their employer. Where an employee feels unable to report a concern in this way they should refer to the Whistleblowing and Confidential Reporting Policy and /or contact an appropriate external agency, the Corporate Director for Children, Young People and Schools, Nottinghamshire County Council or their own professional body.
- 5.12 A failure to follow this Code could lead to the initiation of the safeguarding / disciplinary procedures.

## 6. Safeguarding

- 6.1 Staff must safeguard children's well-being, in accordance with statutory provisions within KCSiE 2020, the local Safeguarding Children Partnership procedures and their school's child protection policy. Staff must report any safeguarding concerns immediately to the designated safeguarding lead in school and ensure the head teacher or chair of governors is informed. All staff have a responsibility to take appropriate action and work professionally with other services accessed by the school as required. (reference KCSiE 2020 Part Four).
- 6.2 Section 5B of the Female Genital Mutilation Act 2003 places a statutory duty upon teachers, to report to the police cases where they discover that an act of FGM appears to have been carried out on a girl under the age of 18. The teacher should consider and discuss any such case with the school's designated safeguarding lead and involve children's social care as appropriate.
- 6.3 Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism. All staff must work to protect children from the risk of radicalisation and be aware that this is part of the wider safeguarding duties in the school. Staff must intervene to prevent vulnerable people being radicalised and report any such instances or concerns to the head teacher.
- 6.4 All staff must be fully aware of all of the school policies and procedures relating to safeguarding and how to access them. Given their position of trust, all staff must ensure that they do not put themselves in any situation where their conduct or behaviour with any pupil could be misconstrued. Any allegations of inappropriate contact with pupils will be investigated according to the Schools Disciplinary Procedure.
- 6.5 If a child reports any safeguarding concerns to any member of staff, this must be reported immediately to the designated safeguarding lead and head teacher. Staff must not promise confidentiality to a child and always ensure that any actions taken are in the best interests of a child.
- 6.6 All schools should promote a culture of openness, trust and transparency. Where a member of staff has any safeguarding or other concern about the conduct or behaviour of another member of staff, the concerns must be reported immediately to the head teacher and where appropriate to the designated safeguarding lead. Concerns about the head teacher should be referred to the chair of governors or their employer. Serious case reviews publicised recently in the media have highlighted missed opportunities to deal with concerns at an early stage because staff have not shared information with the leadership of the school. It is also important that all staff and volunteers should know how to raise concerns about poor or unsafe practices and potential failures in the school's safeguarding regime through the Whistleblowing and Confidential Reporting Policy or by directly **contacting the Local Authority Designated Officer (LADO)**. (reference KCSiE 2020 Part Four statutory guidance).

**6.7 All staff must be aware that it is a criminal offence under the Sexual Offences Act 2003** (as amended) for anyone to engage in a sexual relationship or grooming for such a relationship with a child aged under 18 with whom they are in a position of trust. It is therefore vital that staff work within appropriate professional boundaries at all times with children and young people with whom they are in a position of trust. If staff, are unsure about what action to take or how they should respond to a particular situation they must immediately contact the designated safeguarding lead/head teacher. Any concerns about an inappropriate relationship between a member of staff and a student/pupil (irrespective of their age) will be fully investigated under the Disciplinary Procedure for school staff as a potential issue of gross misconduct.<sup>1</sup>

## **7. Equality issues**

**7.1** Staff must ensure that equality policies in relation to employment and their duties and responsibilities are adhered to. This school believes in equality and will not tolerate any behaviour which could be construed as harassment, intimidation, unfair discrimination or victimisation, by school staff against pupils, colleagues, parents, governors and other visitors. Staff should not by their actions, manner or speech be discriminatory with regards to a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or trade union membership.

## **8. Health and safety**

**8.1** It is the responsibility of all staff, governors, parents and visitors to the school to take reasonable care for the health and safety of themselves and others and to assist in the creation of a safe work environment.

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<sup>1</sup> In the Sexual Offences Act 2003 in terms of grooming the person committing the offence has to be over 18 and the victim under 16. The wording regarding grooming is:

(1) A person aged 18 or over (A) commits an offence if—  
(a) having met or communicated with another person (B) on at least two earlier occasions, he—  
(i) intentionally meets B, or  
(ii) travels with the intention of meeting B in any part of the world,  
(b) at the time, he intends to do anything to or in respect of B, during or after the meeting and in any part of the world, which if done will involve the commission by A of a relevant offence,  
(c) B is under 16, and  
(d) A does not reasonably believe that B is 16 or over.  
This is from Part 1 Section 15 Meeting a child following sexual grooming etc. of the Sexual Offences Act 2003 (page 7).

In terms of abuse of position of trust: sexual activity with a child then the person committing the offence has to be over 18 and the victim under 18, the wording regarding this is:

(1) A person aged 18 or over (A) commits an offence if—  
(a) he intentionally touches another person (B),  
(b) the touching is sexual,  
(c) A is in a position of trust in relation to B,  
(d) where subsection (2) applies, A knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to B, and  
(e) either—  
(i) B is under 18 and A does not reasonably believe that B is 18 or over, or  
(ii) B is under 13.  
This is from Part 1 Section 16 abuse of position of trust: sexual activity with a child (page 7-8).



- 8.2** It is important for all staff to take care of their Mental Health & Wellbeing, including supporting others or recognising when colleagues may need support. It is important for all staff to know where they can seek appropriate support whether this is through the headteacher or further information which can be found on the Schools Portal - [Mental Health Wellbeing | NCC Schools Portal](#) and [Physical Wellbeing | NCC Schools Portal](#)
- 8.3** All visitors to the school will be managed in accordance with the [Guidance on Visitors including VIPs to schools](#)
- 8.4** Staff have a responsibility to inform the head teacher of any medical condition/illness they have during the course of their employment which may impact on their fitness to undertake their duties or on the health and safety of themselves, pupils, other staff, governors of the school or visitors.

## **9 Relationships and contact between school staff - the public, parents and pupils**

- 9.1** All employees should always act in a courteous, efficient and impartial manner towards all individual pupils, groups of pupils, staff, parents, governors, colleagues and other individuals. Staff must always treat pupils with dignity, building relationships rooted in mutual respect, observing proper boundaries appropriate to their position.
- 9.2** Guidance on Safer Working Practice is explicit that staff should not establish or seek to establish social contact with pupils for the purpose of securing friendship or to pursue or strengthen a relationship. This is important because:
- Such contact can blur the professional boundaries between the staff member and pupil;
  - Such contact can compromise confidentiality;
  - Such contact can place both pupil and the staff member in a position of vulnerability;
  - Pupils at the school may struggle to differentiate between the role of staff member and friend and therefore have expectations which the staff member cannot fulfil.
- 9.3** It is the policy of the school that there will be no personal contact other than in certain exempted circumstances between staff and current/former pupils of school age outside the normal school work environment. This includes non-direct contact such as telephone, text messaging, email or social networking sites. Any proposed work-related contact, outside of the normal working environment, must be agreed in advance by the head teacher, be recorded and monitored. Unexpected contact with pupils should be kept to a minimum. E.g. brief greeting. Any transport of pupils must be agreed in line with the school policy and always agreed with the head teacher.
- 9.4** Schools staff should use their professional judgement and correspondence received by a member of staff from former pupils, the public or parents or other significant contact should be discussed with their head teacher as appropriate and filed with any response in the appropriate school records system.

- 9.5** Staff should be extremely cautious when using social networking sites outside of work and avoid publishing, or allowing to be published, any material, including comments or images which could damage their professional reputation, the reputation of the school, and/or bring the school into disrepute. Where staff do choose to use social networking sites it is strongly recommended that profiles should be set as 'private' and under no circumstances should staff allow access to pupils, their families and/or carers.
- 9.6** Staff should not give their personal details such as home/mobile phone number; home, email address, or details of web-based identities to pupils, and be professional at all times in accordance with the ethos of this code. If a pupil locates these by any other means and attempts to contact or correspond with a staff member, the employee should not respond and report this matter to the head teacher immediately. Staff should always ensure that their communications with pupils are open and transparent and avoid any communication which could be interpreted as 'grooming 'behaviour'.
- 9.7** Where former pupils who are under the age of 18 and still in receipt of education in whatever educational setting make contact with a member of staff, staff must discuss their response to any such significant contact with their current line manager/head teacher.
- 9.8** If a former pupil requires assistance or some form of help that lies outside of school, they should be signposted to the relevant services. However, if the head teacher agrees that further contact with the staff member is relevant and appropriate, a clear plan of involvement, including outcomes and timescales must be drawn up and agreed by the head teacher. The head teacher must ensure adequate support/supervision is available to the staff member and all contact be recorded.
- 9.9** Where a close relationship develops between a member of school staff and an ex-pupil which may raise concerns about the member of staff's suitability to work with children, the head teacher should immediately contact the Local Authority Designated Officer (LADO) for guidance.
- 9.10** All staff members should also be aware that their 'relationships and associations' (including online) may have an implication for the safeguarding of pupils, and if there are concerns about that, this could result in formal action being taken against the staff member.

## **10 Infatuations and 'crushes'**

- 10.1** All staff need to recognise that it is not uncommon for pupils to be strongly attracted to a member of staff and/or develop a 'crush' or infatuation. They should make every effort to ensure that their own behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.
- 10.2** Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the headteacher or chair of governors as appropriate. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

- 10.3 The headteacher (or senior manager) should give careful thought to those circumstances where the staff member, pupil and their parents/carers should be spoken to and should ensure a plan to manage the situation is put in place. This plan should respond sensitively to the child and staff member and maintain the dignity of all. This plan should involve all parties, be robust and regularly monitored and reviewed.

## **11. Confidentiality/Disclosure of Information**

- 11.1 The storing and processing of personal information is governed by the General Data Protection Regulations (GDPR) and Data Protection Act 2018. All staff and governors may have access to personal data about pupils and their families which must always be kept confidential and only shared when legally permissible to do so and in the interest of the child, following the principles contained within the legislation. In addition, any matters relating to the school itself apply to all forms of communication, including social networking sites, school and personal email accounts.
- 11.2 Staff should never share or use confidential or personal information about a pupil or their family for their own, or others advantage (including that of partners, friends, relatives or other organisations)
- 11.3 Confidential information should never be used casually in conversation or shared with any person other than a need-to-know basis. In circumstances where the pupil's identity does not need to be disclosed the information should be anonymised.
- 11.4 There are some circumstances in which a member of staff is expected to share information about a pupil, for example when abuse is alleged or suspected. All staff must understand that they have a responsibility to pass information on without delay to those with designated safeguarding responsibilities or to the statutory services i.e. the Local Authority Designated Officer (LADO). The Data Protection Act 2018 does not prevent the sharing of information for the purpose of keeping children safe and fears about sharing information must not be allowed to stand in the way of safeguarding the safety of children.(Reference sections within KCSiE 2020 from attached documents highlighted).
- 11.5 It is extremely important that when any allegation is made whether by a child or another member of staff the school/individual parties involved make every effort to maintain confidentiality and guard against any unwanted publicity while an allegation is being investigated or considered. With particular reference to allegations made by a child please reference KCSiE 2020 paragraphs 233-236 regarding confidentiality legislation.
- 11.6 Staff should always seek advice from their line manager or head teacher on the appropriate use of school data and disclosure of school information, if there is any uncertainty.

## **12. Use of personal mobile phones, laptops and tablets**

- 12.1 Personal equipment, such as mobile phones, or other photographic equipment must not be used at any time in lessons or during other contact with pupils and should be kept securely with other personal belongings.
- 12.2 Individual schools should set out the expected arrangements in writing.
- 12.3 If there is a requirement for staff to take photographs of children for school purposes this must be carried out using equipment provided by the school and with the agreement of the head teacher in line with the agreed school procedures. Information and images should only be retained for as long as required in line with data protection legislation.
- 12.4 Schools should provide staff with school mobile telephones for use on schools trips.
- 12.5 Under no circumstances should staff be accessing websites deemed to be unsuitable in an educational setting whether this be on their own personal equipment or the school's equipment. All staff should be aware and understand that this will raise serious concerns about the suitability of the adult to continue working with children.
- 12.6 Staff should keep their passwords confidential and not allow unauthorised access to equipment.

## **13 Use of school premises or facilities for work not connected with the school**

- 13.1 School staff must not use the school's premises or facilities for activities which are not connected with their employment at the school, without agreement from the head teacher or governing body. This includes the personal use of the school email, telephones, computers, photocopiers, or other equipment.
- 13.2 Internal email systems and school computer equipment should always be used in accordance with the appropriate school policies.

## **14. School staff facing criminal charges**

- 14.1 Any member of staff, volunteer or governor who during the course of their employment or duties with the school is arrested by the police, faces criminal charges or who receives a new caution or conviction must inform their line manager, or in the case of the head teacher, the chair of governors and their employer, immediately. A failure to do so may result in the employee being subject to disciplinary action.

## **15. Childcare (Disqualification) Regulations 2009**

- 15.1 In accordance with the above Regulations, the school has an agreed policy setting out the legal responsibility to ensure that it does not knowingly recruit or continue to employ, a person

in relevant employment, who is disqualified under the Regulations as this would constitute a criminal offence. The relevant checks will be undertaken on recruitment and disclosure by an existing employee is an ongoing duty. Where a member of staff or volunteer becomes aware of relevant information that may lead to disqualification during the course of their employment they must report this information to the head teacher /Chair of Governors immediately.

## **16. Nepotism**

- 16.1 Any employee who embarks on a close personal relationship with a colleague working in the school setting must declare the relationship to their Headteacher or in the case of the Headteacher the Chair of Governors. No employee should authorise or participate in any decision concerning the employment of another person who is related/or in a relationship with which affects in particular that persons pay, terms and conditions of service, or matters of discipline without consultation of the appropriate governing body committee. The information declared will be recorded on the personal files of both employees and treated in strict confidence.
- 16.2 When managing an employee's performance under the appraisal policy consideration should be taken on the appropriateness of the appraiser taking into consideration paragraph 15.1. In the case of the headteacher who is appraised by the governing body's appointed appraisers, the appointed governor must be suitably impartial, (which must exclude any governor who is also a member of staff, relatives or any others who may have a potential pecuniary interest) and be supported by an independent, skilled, informed and experienced external adviser who has been appointed by the governing body for that purpose

## **17 Conflict of interest**

- 17.1 Staff should immediately declare any personal interest that could bring about a potential conflict with the School's interests. School staff must immediately declare to their head teacher or chair of governors any financial interests or non-financial interests which could be perceived to conflict with their role within the School.
- 17.2 Staff are required not to take up employment outside of the school that conflicts or potentially conflicts with the school's interests. Any staff considering employment with an outside organisation should always seek permission from their head teacher or chair of governors, as appropriate.

## **18 Acceptance of gifts**

- 18.1 It is reasonable for a member of staff to accept modest gifts from pupils, especially at the end of a school year or at Christmas. Staff should be mindful that by accepting a gift that it could be perceived that they may potentially be influenced, or seen to be influenced in their actions or decisions. The giving or receiving of gifts to or from pupils should be in line with the agreed school policy.
- 18.2 Similarly, it is inappropriate to give personal gifts to pupils and their families as this may be perceived as either a bribe, favour or grooming activity. Any reward given to a pupil should be in accordance with agreed practice, consistent with the schools behaviour policy.

## **19. Dress and appearance**

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However, staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily different to that adopted in their personal life. Staff should ensure they are dressed appropriately for the tasks they undertake.

This code of conduct does not seek to address every possible circumstance and staff are responsible for exercising professional judgement in referring matters to or seeking advice from the head teacher or governing body as appropriate.

**For further information regarding professional standards of conduct please click on the following link [GSWP-May-2019-final.pdf](#) and [GSWP COVID addendum April 2020 final-1.pdf](#)**

**Code of Conduct - record of staff training.**

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