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EMPLOYEES' CODE OF CONDUCT

PROCEDURE FOR SCHOOLS

EMPLOYEES' CODE OF CONDUCT

CONTENTS

This document has two sections:

SECTION 1: The purpose, scope and principles of the code
Page 3

This sets out the reasons for the code, describes who is covered by it and the principles contained in it

SECTION 2: This sets out the areas of conduct that must be observed
Page 5

Procedure for the declaration of interests	Para 1 - page 5
Equality issues	Para 2 - page 5
Political neutrality	Para 3 - page 5
Disclosure and use of information	Para 4 - page 6
Hospitality and Gifts	Para 5 - page 7
Corruption	Para 6 - page 9
Using the services of people who deal with the council	Para 7 - page 9
Employment outside the council	Para 8 - page 10
Personal Interests / Belonging to outside organisations	Para 9 - page 11
Working and personal relationships	Para 10 - page 12
Breach of the code	Para 11 - page 12

Appendix I Proforma

SECTION 1: PURPOSE, SCOPE AND PRINCIPLES

INTRODUCTION

This Code of Conduct has been designed to apply to staff employed in Schools and much of the text relates to the relationship between the employee and the School.

However, staff employed in Schools are (unless the school is a Foundation or Voluntary aided School) employees of Reading Borough Council and, therefore, there are references in the text to the relationship between the employee and the Council where this is appropriate to the operation of this Procedure.

PURPOSE

- **To meet requirements specified by the National Conditions of Service for all employee groups.**
- To help employees maintain fully acceptable standards of conduct by specifying and explaining the standards the school has set, therefore protecting them from misunderstanding or criticism.
- To ensure that the school maintains a deserved reputation for the high standards of its activities and the integrity of its employees at all levels.

SCOPE

Employees covered by the code:

This Code of Conduct applies to all those working for [insert name] School, including those on permanent, temporary, full-time or part-time contracts, job sharers, and employees on non-standard terms of employment. Relevant parts of the code should be included in the specifications for consultants and contractors, and drawn to the attention of voluntary workers or those on unpaid projects.

Some employees may already have specific requirements relating to conduct included in their contracts or standard conditions of employment. Individual contract conditions will override those provisions of this code, where individual contracts are more specific due to the nature of the work.

References to ‘the school’ throughout this document mean [insert name of school]. References to ‘the Council’ refer to Reading Borough Council.

PRINCIPLES

The following important principles are encompassed within this code:

- (a) this code has been agreed between the council and the recognised Trades Unions
- (b) local government employees (which include staff in Community Schools) are expected to maintain conduct of the highest possible standard, so that public confidence in them is maintained
- (c) that employees should not exploit their work or position with the school for private or personal benefit
- (d) that in cases where doubt exists as to whether the code applies, the test to apply is whether the activity or relationship might, if known publicly, give rise to a suspicion that school property or information was being misused, or that improper influence was being exerted;
- (e) the code is not intended to restrict employees' personal freedoms

The various sections detailed in section 2 of this document set out how the general principles are applied to different aspects of conduct, although the code cannot describe every possible circumstance that may occur.

Employees and managers need to exercise good sense and judgement in deciding whether specific situations fall within the code or not. For employees, a key guideline is:

WHEN IN DOUBT AS TO WHETHER THE CODE APPLIES - ASK YOUR MANAGER OR HEADTEACHER.

SECTION 2: CODE OF CONDUCT FOR EMPLOYEES

1 Procedure for the declaration of interests

- 1.1 A number of the provisions in the code require employees to make declarations of interests. When declarations are necessary, employees should ensure that their managers are informed of this interest. A copy of the declaration should be held on the employee's personal file and registered in a log maintained by the Headteacher.
- 1.2 In the case of a declaration of interests made by a Headteacher, this should be made to the Chair of the Governing Body in the first instance.
- 1.3 The precise details of how declarations are made, recorded and logged is a matter for each School to decide and regulate.

2 Equality issues

- 2.1 All employees have a responsibility to act in accordance with the School's equal opportunities policies and codes of practice. Decisions and activities must not favour one person or section of the community above others on any grounds which would be in contravention of equal opportunity principles.

3 Political Neutrality

- 3.1 Employees serve the Council as a whole. It follows that they must serve all councillors equally, irrespective of their political group or affiliation and must ensure that the individual rights of all councillors are respected.
- 3.2 Employees may also be required to advise political groups. If your job involves you in giving such advice, you must do so in ways which do not compromise your political neutrality.
- 3.3 As an employee, you must not allow your own personal or political opinions to interfere with your work or influence the advice you give to councillors, the public or other staff.
- 3.4 If your post is designated a "politically restricted post" under the provisions of the Local Government & Housing Act 1989, certain

additional rules will apply to you and you should have been informed about these rules at the time of your appointment.

3.5 If your post becomes politically restricted during the course of your employment, then you will be notified.

3.6 Posts affected by these rules (politically restricted posts) fall into the following categories: -

- (a) Certain specified posts, such as the Head of the Paid Service, the Monitoring Officer and all Chief Officers and their Deputies
- (b) All posts which reach or exceed a prescribed level of salary or earnings (currently £32127 per annum as of 1 April 2003 scale point 44).
- (c) Posts that, by the nature of the work involved, are deemed to be “sensitive”. For example,
 - (i) posts where the employee regularly advises members, committees or sub-committees or any joint committee on which the authority are represented, and
 - (ii) posts where the employee regularly speaks on behalf of the authority to journalists and broadcasters.

3.7 Exemptions to this Act (i.e. not politically restricted) are:

- (i) Posts reporting directly to the Chief Executive where the duties of the postholder are solely secretarial or clerical.
- (ii) **Headteachers, Principals of schools or colleges, or other educational establishments maintained/assisted by the Council. Further, any person holding the post of Teacher or Lecturer in any such school etc. will not be politically restricted.**

3.8 If you are unsure as to whether your post falls within the politically restricted categories, or whether your post is exempt from the political restrictions, you should speak to your manager or the Head of Legal Services.

4 Disclosure and Use of Information

4.1 The law requires that certain types of information must be available to the LEA, auditors, government departments, service users and the public. Employees must be aware of which

information the law and/or the School requires to be open in this way.

- 4.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it onto others who might use it in such a way. Furthermore, subject to what is said in point 4.1 above, information received by you in the course of your work should not be disclosed without the express approval of your manager.
- 4.3 You must not destroy, alter or falsify any document or record, whether for personal gain or to cover up, mislead or deceive other people.

5 Hospitality and Gifts

- 5.1 As the School deals with more and more private organisations and partnerships, the chance of an employee being provided with hospitality or offered some form of gift increases.
- 5.2 Either of these situations can place staff in awkward or embarrassing situations and, ultimately, can lead to accusations of corruption. It is therefore important that you follow these guidelines, particularly those concerning the approval of managers and the keeping of records.
- 5.3 It is also important to remember that these guidelines should be followed whether the gift or hospitality is offered to you or to your partner or a member of your family. It is easy for people to conclude that you were or might have been influenced by it. An example proforma is enclosed as Appendix I.
- 5.4 If you are offered a gift or hospitality you should bring this to the attention of your manager or the Headteacher. Some offers of gifts and hospitality may be acceptable. In any event, you must ensure that the offer and acceptance of any gift or hospitality is recorded in a register which will be maintained by the School. The information to record should include the name of the gift, the type of hospitality offered and the person or organisation it was received from.
- 5.5 The above provision does not apply to small gifts from pupils. However, if in doubt seek further advice from the Headteacher.

5.6 In certain circumstances receiving hospitality or gifts may well be acceptable. Often, however, it is difficult to decide but the following examples are generally acceptable provided you record the details in the register maintained by the School.

5.7 Hospitality

- (i) Invitations to attend functions where you represent the School, either because of your position or where you have been asked to attend as a delegate or representative.
- (ii) Hospitality offered by other public sector organisations or recognised civic or government bodies that have links with the School or the Council.
- (iii) A working lunch or other meal which allows the work or discussion to continue during the course of the day
- (iv) Hospitality to mark the completion of a transaction or piece of work provided it has been successfully concluded and the nature of the hospitality is reasonable
- (v) In certain circumstances it may be appropriate to accept hospitality where the School, Council or LEA is a regular client of an organisation or firm and the hospitality is being offered to a number of clients in the ordinary course of the business. It is particularly important that such offers are discussed with your manager or Headteacher and recorded.

5.8 Offers of hotel accommodation, the use of a company flat or villa or other form of holiday, free use of other forms of leisure, sports or entertainment facilities or equipment or other facilities should **always** be politely declined, unless this is of low value and is covered within paragraph 5.7 (i) to (v).

5.9 Gifts

If you are offered a gift you should consider whether it is one of “low” value. This is a question of common sense and the sensible thing to do is to bring the gift to the attention of your manager or Headteacher who should then take a view as to whether the gift may be acceptable or should be declined.

The following are examples of gifts that may generally be acceptable: -

- (i) Small gifts of little value that have been sent or given as an advertisement for a particular firm, for example, appropriate calendars, diaries or other items for use in the office generally

- (ii) Small gifts of low value such as a bottle of wine or a box of chocolates that have been given at the end of work on a specific project. However, such gifts should be made generally available to those who have worked on the project
- (iii) Small gifts of low value such as a pen or a coffee mug that have been given at the end of a courtesy visit, for example, to or from a factory or agency
- (iv) Christmas boxes - in a number of jobs it has been traditional for members of the public to give the team concerned gifts with varying financial values. As this is a normal and well-established practice, acceptance of the Christmas gift, on behalf of the team concerned, is acceptable, provided:
 - ◆ The gift is not solicited or requested either directly or indirectly
 - ◆ There is no suggestion that decisions concerning the service, or the quality of the service provided will change in any way
 - ◆ Any gift that is of such a value that it falls outside a normal range is notified to your manager/Headteacher.

6 Corruption

6.1 It is important for employees to understand that there is legislation^① which prohibits Council employees (including staff employed in Schools) accepting gifts by way of “inducement or reward” (i.e. as a temptation or payment for doing or not doing something in the course of their job). Specifically:

- (i) It is an offence for an employee corruptly to accept any gift or consideration (i.e. payment, advantage or something else of value to the employee) as an inducement or reward for:-
 - ◆ doing, or refraining from doing, anything in their official capacity or
 - ◆ showing favour or disfavour to any person in their official capacity.
- (ii) Any money, gift or consideration received by a Council employee, from a person or organisation holding or seeking to

obtain a contract, will be deemed by the Courts to have been received corruptly unless the employee proves to the contrary.

- 6.2 If an employee knows that a contract in which they have a financial interest is being considered by the local authority, then they must give notice of their interest to the Council, by informing their line manager. They should not accept “any fee or reward” whatsoever other than proper remuneration (pay) for their job^②.

7 Using the services of people who deal with the School

- 7.1 Concern may arise when School employees obtain goods and services for their personal use from companies who have dealings with the School, particularly where these employees are involved in awarding contracts to those same or similar companies.
- 7.2 As an employee at the School, you are not prohibited from personally obtaining goods and services from such companies. However, when approaching companies that deal with the School for goods or services, it is important to make sure that you are not being offered preferential rates in an attempt to get the School to use that company. Make sure as far as possible that the price you are quoted is a competitive one.
- 7.3 If you are authorised to award or recommend the award of contracts to an individual or an organisation, you should try to avoid using that individual or organisation for the purchase of goods or services for yourself, unless it can be demonstrated that there was little or no alternative. This should be declared to your manager or Headteacher if this happens.

(① The Prevention of Corruption Acts 1906 and 1916)

(② The Local Government Act 1972)

- 7.4 You must never use your position with the School to obtain a discount, preferential terms or other inducements for your personal benefit or the benefit of any other individual. This, of course, does not affect the purchase of goods or services at discount rates negotiated through a scheme endorsed by the Council or a Trades Union.

8 Employment outside the Council

- 8.1 In many cases, School staff may take on or consider taking on paid or unpaid work for individuals or organisations in addition to their work with the School. This can often be of significant benefit to

the personal and professional development of the member of staff. It could also be a matter of concern to the School if such additional work may have an adverse effect on employees' work for the School, or may conflict with the interests of the School/Council.

8.2 You should bring any outside work to the attention of your manager to check that it is acceptable for you to do it. In particular, you must ensure that you comply with the following conditions:

- (i) You must not undertake private work or business (including private work for your line manager) during your School working hours, either on School premises or using School equipment such as the word processor, other software, photocopier or facsimile equipment, telephones or internet etc. Further guidance on the use of IT systems is contained in the "Use of Electronic Systems - Best Practice Guide" located on IRIS.
- (ii) You must not take on extra work that will adversely affect the way in which you perform your duties for the School. New working time regulations ① mean that individuals can generally only work a maximum average of 48 hours per week. This should be considered when thinking of taking on additional employment, either for the council or another employer. Obviously extra work should not interfere with any contractual overtime requirements.
- (iii) Particular care must be taken when you are considering private work, for a person or organisation, which may involve dealing with Reading Borough Council in an official capacity, e.g. seeking approval or permission or involving similar official Council functions (examples being Building Control Regulations approval; Planning Permission; Childminder Registration etc.). Concern may arise that you may use your position in the School to influence the official process. If your School job is connected with issuing such approvals or permission, you must not take on the extra work. This does not prevent you from making applications on your own behalf but the fact that you are a Council employee should be made very clear.
- (iv) To ensure that there are no misunderstandings you should take care when undertaking unpaid or voluntary private work that involves similar official contact with the School

(e.g. work for relatives that needs planning permission). You should speak to your manager to make sure that it is all right for you to take on this work.

- (v) You must not undertake private work for any person or company if you allocate business to them during the course of your duties with the council, or if you are in a position to award contracts or commission work, or influence the awarding of contracts or commissioning of work, in an area in which the person or company has an interest or is seeking to obtain work with the Council.

(① The Working Time Regulations (1998), which implement the health and safety measures contained within the European Working Time and Young Workers Directives.)

- (vi) If you are invited to speak at a conference, in your position as an officer of the School, your fees for this should be paid to the School.

8.3 There may be situations where it may be appropriate to carry out some form of **unpaid** “outside work”, academic research or other task in the workplace. Generally this would only be appropriate out of work time (e.g. during lunch breaks or outside normal work hours) and in no way for personal gain.

8.4 Work for external organisations should normally be undertaken in time when you would not normally be expected to be working in your contracted work for the school. This could include evenings, weekends or in time of agreed annual or unpaid leave. Payment for any such work would be a matter entirely between yourself and the other employing organisation. For example, it may be possible to identify a residual element of work undertaken in your own time as defined above, with other elements of the work within working time and through agreement part of the fee for that work may be retained.

8.5 In some cases it may be acceptable for you to undertake work during time when you would normally be expected to be at work. In these circumstances it is essential that your Headteacher (or Governing Body in the case of a Headteacher) agrees to release you for the duration of the external work and that the time away from your normal work is treated as unpaid leave. You would then be free to keep all of any earnings accrued during your period of unpaid leave.

- 8.6 In exceptional circumstances, your Headteacher/Governing Body may consider the external work to be appropriate to be undertaken as part of your normal work at the school (such as speaking at a conference, or undertaking some forms of training). In these cases, any payment for attendance should be paid in full to the school by the paying authority. In no circumstances should any member of staff be paid twice for the same piece of work.
- 8.7 There is no automatic entitlement to unpaid leave in these circumstances and it is entirely at the discretion of the Headteacher (or Governing Body).

9 Personal Interests /Belonging to Outside Organisations

- 9.1 It is accepted that, as private citizens, School based employees will have a range of outside interests and will support or belong to different groups or organisations, whether this is paid or on a voluntary basis. You should declare to your manager or Headteacher your involvement or interest (financial and non-financial interests) **if and when** your outside activities or the activities of the group you belong to could conflict with the School's interests or Council policy, or with your duties and responsibilities as an employee.
- 9.2 You should declare to the Council's Monitoring Officer (Head of Legal Services) membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct (e.g. Freemasons). The Monitoring Officer will keep a confidential record of such declarations.

10 Working and Personal Relationships

- 10.1 Personal relationships may develop with colleagues, councillors, contractors, customers and clients. You should not allow a personal relationship to place you in a position where you are unable to carry out the duties of your employment in a proper and impartial manner.
- 10.2 Elected Councillors are subject to their own statutory Code of Conduct which addresses relationships between Councillors and Council employees (including school based staff). ①

11 Breach of the code

11.1 If you have any concerns about the application of any part of this code to your own circumstances you should discuss it, as soon as possible, with your manager or Headteacher. Remember, failure to comply could lead to criticism of the School, the Council or you and possibly disciplinary action. In such cases, the School's Disciplinary Procedure would apply.

(© The Local Government and Housing Act 1989 has given statutory status to the National Code of Local Government Conduct (for the guidance of councillors of local authorities)).

Appendix I

Proforma for recording hospitality and gifts

This relates to point 5.4 page 7 of the Code of Conduct

Part (a) to be completed by the employee:-

Date of declaration

Name of employee

Description of the gift/offer of hospitality

Approximate value

Name of organisation/individual offering the gift

Part (b) to be completed by the Headteacher/line manager

Decision by Headteacher/line manager

Signature of Headteacher/line manager

Date employee informed

A COPY OF THIS RECORD SHOULD BE KEPT ON THE EMPLOYEE'S PERSONAL FILE AND REGISTERED IN A LOG MAINTAINED BY THE HEADTEACHER