

Code of Conduct for Schools based Employees

The Code of Conduct for Schools based staff includes the following information which sits alongside the School Disciplinary Procedure/Guidance.

DISCIPLINARY RULES - SCHOOLS /COLLEGES

1 Introduction

- 1.1 The Governing Body is required, in accordance with the provisions of the Education Reform Act 1988, to establish disciplinary rules covering all employees working at the school, and to ensure that they are made known to the staff.
- 1.2 The disciplinary rules for the school are set out below. Whilst every effort has been made to identify all conduct that would be unacceptable, the list is not exhaustive. These rules will provide helpful guidance both to individual employees, and to senior staff in their management roles.
- 1.3 A code of conduct for employees whose work brings them into contact with young people has also been prepared and made available to staff and should be read in conjunction with these disciplinary rules.

2 Disciplinary and Dismissal Procedure

The Governors have also, in accordance with the provisions of the Education Reform Act 1988, prepared a disciplinary and dismissal procedure and made it known to staff. That procedure sets out the arrangements which apply where a breach of discipline is alleged. Sanctions available in accordance with that procedure range from formal disciplinary warnings to dismissal. The procedure also ensures that there is a right of appeal against such sanctions.

3 Types of Misconduct

- 3.1 Certain types of misconduct are so unacceptable that the employee's continued presence at work, even whilst the matter is being investigated, cannot be countenanced. Such misconduct falls within the term "gross misconduct" and examples are set out in Section 5.1 below. It is particularly important that staff at the school are aware of the examples of gross misconduct given. It is essential that all concerned are aware of the standards of behaviour expected both insofar as their own employment is concerned and for the overall good of the school.
- 3.2 Examples of other types of misconduct, not sufficiently serious to warrant consideration of summary dismissal, are set out under the heading 'Other Misconduct' in Section 5.2 below. Some examples of

misconduct referred to in this section are more serious than others. A single incident of misconduct in some cases may not warrant immediate formal disciplinary action but may, more appropriately, be remedied by discussion and counselling sessions (see paragraph 1.4 of the Disciplinary and Dismissal Procedure). In others it will warrant a first warning. Other instances of misconduct may be regarded as sufficiently serious to warrant a disciplinary warning at intermediate or final level even where the employee does not have any other disciplinary warnings on the record. It is not possible to identify within the examples of misconduct, what level of sanction, if any, would be appropriate in each case. Much will depend on the particular circumstances of the case.

4 The Employee's Response

- 4.1 All allegations of misconduct will be investigated. The investigation will include a discussion(s) with the employee. If it is decided to hold a formal hearing the disciplinary/dismissal procedure will apply. The employee will have the opportunity to present his/her case at the formal hearing and to be accompanied by a trade union representative or colleague employed at the school/college.
- 4.2 An employee's response to an allegation of misconduct is important. It will:-
- a) assist in reaching a fair conclusion about an alleged incident where the facts are disputed.
 - b) establish the employee's view about the seriousness of the alleged misconduct. The view of the employee can be of particular importance because it will demonstrate whether or not he/she understands and accepts the standards of behaviour expected by the Governing Body.

5 Disciplinary Rules

- 5.1 Gross Misconduct
- The following are examples of behaviour which could lead to summary dismissal. The list is not exhaustive, and it is acknowledged that it will be necessary to exercise judgement in specific cases to determine whether particular misconduct is to be regarded as gross misconduct. Any decision to dismiss an employee must be fair and reasonable in all the circumstances.
- a) Any form of physical violence towards students. Please refer to the Code of Conduct for employees whose work brings them into contact with young people.
 - b) Physical violence, actual or threatened towards other staff or visitors to the school.

- c) Any sexual approach or response to a pupil or the development of an intimate relationship with a pupil, whatever the provocation. Please refer to the Code of Conduct referred to at (a) above.
- d) Sexual offences, sexual insults or sexual discrimination against pupils, other staff or visitors to the school.
- e) Racial offences, racial insults or racial discrimination against pupils, other staff or visitors to the school.
- f) Theft of Council monies or property and of monies or property of colleagues, pupils or visitors to the school. Removal from school premises of property which is not normally taken away without the express authority of the Head or of the owner of the property may be regarded as gross misconduct.
- g) Deliberate falsification of documents such as time sheets, bonus sheets, subsistence and expense claims for the purpose of gain.
- h) Acceptance of bribes or other corrupt financial practices.
- i) Wilful damage of Council property or of property belonging to other staff, pupils or visitors to the school.
- j) Wilful disregard of safety rules or policies affecting the safety of pupils, other staff or visitors to the school.
- k) Any wilful act which could result in an action for negligence against the Council or the school.
- l) Refusal to comply with reasonable instructions given by staff with a supervisory responsibility.
- m) Gross neglect of duties and responsibilities.
- n) Unauthorised absence from work.
- o) Being untruthful and/or engaging in deception in matters of importance within the school community including deliberate refusal to assist with/ withholding information relating to a disciplinary investigation .
- p) Deliberate breaches of confidentiality particularly on sensitive matters.
- q) Being incapable by reason of alcohol or drugs (not prescribed for a health problem) from fulfilling duties and responsibilities of employment. The Council has produced advice that would need to be taken into account in the case of staff who may be dependent on alcohol.)
- r) Conduct which substantially brings the name of the school into disrepute or which seriously undermines confidence in the employee.
- s) Serious misuse of the School/Council computer facilities.
- t) Corrupt or improper practice (i.e. when an employee improperly uses, or attempts so to use, his/her official position for his/her own private advantage or some other person.

5.2 Other Misconduct

The following are examples of behaviour which could lead to formal disciplinary warnings.

- a) Unsatisfactory timekeeping without permission.

- b) Neglect of safety rules and procedures. Some offences of wilful neglect may be regarded as gross misconduct.
- c) Breaches of confidentiality. Deliberate breaches on sensitive matters may be regarded as gross misconduct.
- d) Failure to comply with reasonable work related requirements or lack of care in fulfilling the duties of the post.
- e) Behaviour towards other employees, pupils and visitors which gives justifiable offence. Certain behaviour giving rise to offence may be regarded as gross misconduct.
- f) Acting in a manner which could reasonably be regarded as rude, impolite or contemptuous. In certain circumstances such behaviour may be regarded as gross misconduct.
- g) Conduct which it is considered adversely affects either the reputation of the school or affects confidence in the employee.

6. Criminal offences

You must inform your headteacher as soon as possible if you are arrested (even if no action is taken against you) or you are subsequently cautioned or convicted in connection with any offence. This does not include minor driving offences such as fixed-penalty notices for speeding unless:

- driving is a key requirement of your job, for example, you drive a School/Council vehicle or you drive your own vehicle regularly on Council business
- the conviction results in disqualification from driving

Disclosing that you have been arrested, cautioned or convicted of a criminal offence does not necessarily mean that disciplinary action will be taken against you. Consideration will be given to the extent to which your conduct:

- affects your suitability to carry out your job
- impacts on work colleagues, young people, contractors/partners with whom the School/Council works and
- the wider impact your conduct has on the School/Council's valued image and reputation.

Failing to disclose such information, even where no charges are brought against you, may also lead to disciplinary action under the School/Council's Disciplinary Procedure.

In the event that you are sentenced to immediate imprisonment, you are likely to be instantly dismissed without notice and notice pay."

A CODE OF CONDUCT FOR EMPLOYEES WHOSE WORK BRINGS THEM INTO CONTACT WITH YOUNG PEOPLE

Introduction

This code of conduct is intended to help staff minimise the risk of being accused of improper conduct towards the young people with whom they come into contact during their work. The code also outlines what steps will be taken if an allegation is made against a member of staff by a pupil although this is dealt with in more detail in the Codes of Practice on suspension and investigation.

The code also outlines the action to be taken by employees when they suspect child abuse by a person outside or inside the school. Guidance under this code of conduct links to the provisions under the Protection of Children Act (POCA) but also to the Protection of Vulnerable Adults Act (POVA) when working with older pupils (including those with special needs). The handling of such matters is dealt with fully in the 'Child Abuse Procedures' handbook. It is important to recognise that child abuse may be physical, sexual or psychological and that it has been increasingly detected and brought to the attention of the general public in recent years. Whilst many child abusers are known to the victim either as relatives or friends of the family, some meet children in other contexts and a small minority of these may gain access to children in schools as teachers or support staff or through their voluntary involvement in school activities.

Pupils should not feel inhibited from reporting any abuse against them by staff. This will include not only serious abuse but also any incident where a pupil has grounds to believe that a member of staff has crossed the boundary of acceptable behaviour. Headteachers/principals working with employees generally will continue to do all they can to ensure that the environment within schools encourages truthful reports of any inappropriate behaviour.

1 Guidelines for Employees

1.1 Private meetings with pupils

- a) Employees should be aware of the dangers which may arise from private interviews with individual pupils. It is recognised that there will be occasions when confidential interviews must take place, but, where possible, such interviews should be conducted in a room with visual access, or with the door open, or in a room or area which is likely to be frequented by other people. Meetings with pupils away from the school premises are not permitted unless the specific approval of the Headteacher/principal has been obtained.
- b) Where such conditions cannot apply employees are advised to ensure that another adult knows that the interview is taking place. The use of 'engaged' signs or lights is not advisable.

- c) Where possible another pupil or another adult should be present or nearby during the interview.

1.2 Caring for pupils with particular problems

- a) Employees who have to administer first aid should ensure wherever possible that other children or another adult are present if they are in any doubt as to whether necessary physical contact could be misconstrued.
- b) Wherever possible employees who have to help children with toileting difficulties should be accompanied by another adult, and pupils should wherever possible be encouraged to change themselves. It is accepted that there will be some situations where pupils will present particular problems for employees and the emphasis will be on what is reasonable in all the circumstances.

1.3 Reporting Incidents

Following any incident where an employee feels that his/her actions have been, or may be, misconstrued he/she should discuss the matter with the Headteacher/Principal. Where it is agreed with the Headteacher/Principal the employee should provide a written report of the incident. It is especially important to speak with the Headteacher/Principal in cases where an employee had been obliged to restrain a pupil physically and where a complaint has been made by a pupil, parent or other adult.

1.4 Where physical contact may be acceptable

- a) There may be occasions where a distressed pupil needs comfort and reassurance which may include physical comforting such as a caring parent would give. Employees should use their discretion in such cases to ensure that what is, and what is seen to be by others present, normal and natural does not become unnecessary and unjustified contact, particularly with the same pupil over a period of time. Where an employee has a particular concern about the need to provide this type of care and reassurance he/she should seek the advice of the Headteacher/Principal.
- b) Some employees are likely to come into physical contact with pupils from time to time in the course of their duties. Examples include:- showing a pupil how to use a piece of apparatus or equipment; demonstrating a move or exercise during games or PE, and contact activities at a youth club. Employees should be aware of the limits within which such contact should properly

take place and of the possibility of such contact being misinterpreted.

- c) There may be occasions where it is necessary for employees to restrain a pupil physically to prevent him/her from inflicting injury to others or self-injury. In such cases only the minimum force necessary may be used and any action taken must be to restrain the pupil. Where an employee has taken action to restrain a pupil he/she should discuss the matter as advised in paragraph 1.3 above.

1.5 Gratuitous physical contact with pupils

- a) Physical contact may be misconstrued by a pupil, parent or observer. Such contact can include well intentioned informal and formal gestures such as putting a hand on the shoulder or arm, which if repeated with an individual pupil could lead to serious questions being raised. Therefore as a general principle, employees must not make gratuitous physical contact with their pupils and it is unwise to attribute touching to their teaching style or as a way of relating to pupils.
- b) Any form of physical punishment of pupils is unlawful as is any form of physical response to misbehaviour unless it is by way of restraint. It is particularly important that employees understand this both to protect their own position and the overall reputation of the school.

1.6 Where conversations of a sensitive nature may be appropriate

- a) Many employees have a pastoral responsibility for pupils and in order to fulfil that role effectively there will be occasions where conversations will cover particularly sensitive matters. Employees must in these circumstances use their discretion to ensure that, for example, any probing for details cannot be construed as unjustified intrusion.
- b) Other employees in schools may from time to time be approached by pupils for advice. Pupils may also appear distressed and employees may feel the need to ask if all is well. In such cases employees must judge whether it is appropriate for them to offer counselling and advice or whether to refer the pupil to another employee with acknowledged pastoral responsibility for the particular pupil.

1.7 Inappropriate comments and discussion with pupils

- a) As with physical contact, comments by employees to pupils either individually or in groups can be misconstrued. As a

general principle therefore employees must not make unnecessary comments to and/or about pupils which could be construed to have a sexual connotation. It is also unacceptable for employees to introduce or to encourage debate amongst pupils in class, or elsewhere, which could be construed as having a sexual connotation that is unnecessary given the context of the lesson, or the circumstances. At the same time it is recognised that a topic raised by a pupil is best addressed rather than ignored.

- b) Systematic use of insensitive, disparaging or sarcastic comments is also unacceptable.

1.8 Choice and use of teaching materials

When using teaching materials of a particularly sensitive nature an employee should be aware of the danger that their selection could be misinterpreted and may be criticised after the event.

1.9 General relationships and attitudes

Employees should ensure that their relationships with pupils are appropriate to the age and gender of the pupils, taking care that their conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when employees of either sex are dealing with adolescent boys and girls.

1.10 Educational visits and extra curricular activities

Employees should be particularly careful when supervising pupils in a residential setting such as a ski trip, outdoor education camp or extended visit away from home. Similarly the less formal approach adopted in extra curricular activities generally can be open to misinterpretation. Although more informal relationships in such circumstances tend to be usual, the standard of behaviour expected of employees will be no different from the behaviour expected within school.

2 Steps to be taken when allegations are made against an employee

- a) Employees working in schools are particularly vulnerable both to the possible consequences of their close relationships with pupils and to malicious or misplaced allegations made by pupils deliberately or innocently, arising from normal and proper association with them in school.
- b) For this reason, where a serious allegation is made, the arrangements for making a preliminary assessment of whether there is substance in the allegation, the procedure set out in the

School Disciplinary Procedure & Guidance on the Suspension of Staff, will be followed.

- c) Where an allegation is made which, if substantiated, would appear to indicate an offence of gross misconduct (see paragraphs 3.1 and 5.1 of the Disciplinary Rules) the employee will be suspended from duty. Suspension is intended as a neutral act taken as a precautionary measure.
- d) Where suspension takes place a contact will be nominated who is not conducting the investigation to provide information and support to the employee. The person nominated as the contact will discuss with the employee any welfare needs he/she may have and will act as a liaison point between the employee and those conducting the investigation.
- e) The Authority has procedures for managing allegations against people who work with children and vulnerable adults which will be followed.

3 Action to be taken by employees where child abuse is suspected

- a) Instructions on the procedures where child abuse outside the school is suspected are given in the Authority's Model Safeguarding Policy. Information on this should be held in all Schools.
- b) In the event that an employee suspects that a pupil is being abused by a member of staff in school or elsewhere, a report should be made in strict confidence to the School's Designated Safeguarding Officer (often the Headteacher). Prior to any internal investigations, the Headteacher should immediately inform the Local Authority Designated Officer (LADO) who shall inform the area Social Services team and police child protection unit. Arrangements for investigating the allegation will be discussed with the Headteacher. No investigation shall commence within the school prior to these arrangements being made.
- c) If the Headteacher is suspected of improper conduct the employee concerned should make his/her report directly to the Local Authority Designated Officer / Strategic Director.

3 Conclusion

It would be impossible and inappropriate to lay down hard and fast rules to cover all the circumstances in which employees relate to pupils and where opportunities for their conduct to be misconstrued might occur. In all circumstances professional judgement will be exercised. For the vast majority of employees this code of conduct will serve only to confirm what has always been their practice. If employees have any doubts about the advice contained in this document they should consult their Headteacher.

From time to time, however, it is advisable for all employees to reappraise their teaching styles, relationships with pupils and their manner and approach to individual pupils, to ensure that they give no grounds for any doubts in the minds of colleagues, pupils or parents.