

Staff Code of Conduct

Policy Owner: The Mercian Trust
People & Culture Committee

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Increasing Opportunities
Improving Outcomes

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1 Purpose

- 1.1 The aim of this Code of Conduct for employees is to set out the standards of conduct expected of all staff and to provide further information for employees. This should be read in conjunction with our Disciplinary Procedure, Teachers' Standards and the statutory guidance Keeping Children Safe in Education.
- 1.2 This Code should make it clear to employees the expectations our Trust has of them. Employees should note that this Code is not exhaustive in defining acceptable and unacceptable standards of conduct and employees must use common sense in adhering to the underpinning principles. If any employee is ever unsure what the expectations are in any given circumstance they should speak to their line manager/Head Teacher.
- 1.3 This Code does not form part of any employee's contract of employment and it may be amended at any time.

2 Scope

- 2.1 The Code applies to all employees regardless of length of service including those in their probationary period. It also applies to consultants, contractors, casual and agency staff [and volunteers] (collectively referred to as staff in this policy although, unlike employees, breaches of the Code will not be managed through the disciplinary procedure).
- 2.2 As recognisable figures in the local community the behaviour and conduct of staff of our Trust outside of work can impact on their employment. Therefore, conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment.

3 Safeguarding and promoting the welfare of children and recognising low level concerns

- 3.1 All employees are responsible for safeguarding children and promoting their welfare. This means that employees are required to take action to protect children from maltreatment, prevent impairment of children's health or development and ensure that children grow up in circumstances consistent with the provision of safe and effective care. This will enable all children to have the best outcomes.
- 3.2 All employees should be prepared to identify children who may benefit from early help. Early help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage years.
- 3.3 All employees must be aware of the signs of abuse and neglect and know what action to take if these are identified.
- 3.4 All employees must be aware of low level concerns, no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:
 - is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
 - does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

Examples of such behaviour could include, but is not limited to:

- being over friendly with children
- having favourites;
- taking photographs of children on their mobile phone;
- unsanctioned engagement with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.

3.5 To do this, employees must have fully read and understood our Safeguarding policy, be aware of our systems for keeping children safe and must follow the guidance in these policies at all times.

3.6 All employees must cooperate with colleagues and with external agencies where necessary.

4 Duty of care

Staff must:

- Understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached
- Always act, and be seen to act, in our students' best interests
- Avoid any conduct which would lead any reasonable person to question their motivation and/or intentions
- Take responsibility for their own actions and behaviour

5 Health & Safety

All employees must ensure that they:

- Familiarise themselves with the Health and Safety statements produced by our Trust as published on our Trust's internal information portal.
- Read and understand our Trust's Health and Safety Policy
- Comply with Health and Safety Regulations or instructions and use any safety equipment and protective clothing which is supplied to you by our Trust
- Comply with any hygiene requirements
- Comply with any accident reporting requirements
- Never act in a way which might cause risk or damage to any other members of our Trust community or visitors.
- Inform their line manager of any paid work undertaken elsewhere. This is to comply with the Working Time Regulations, which are a Health and Safety initiative.

6 Honesty and personal integrity

6.1 Employees are expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct at our Trust.

- 6.2 Employees must comply with any lawful or reasonable instructions issued by managers or governors.
- 6.3 Employees uphold public trust in our Trust and maintain high standards of ethics and behaviour, within and outside school, by:
- Treating students with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to their professional position
 - Having regard for the need to safeguard students' well-being, in accordance with statutory provisions
 - Showing tolerance of and respect for the rights of others
 - Not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - Ensuring that personal beliefs are not expressed in ways which exploit students' vulnerability or might lead them to break the law.
- 6.4 Employees must have proper and professional regard for the ethos, policies and practices of our Trust and maintain high standards in their own attendance and punctuality. Employees must treat all colleagues with respect, dignity, fairness and courtesy at all times.
- 6.5 Staff must maintain high standards of honesty and integrity in their work. This includes the handling and claiming of money and the use of Trust property and facilities.

7 Tackling discrimination

- 7.1 Employees are required to understand the types of discrimination and bullying that students and colleagues may be subject to. Employees are required to have read and understood our Equality and Diversity policy and Anti-Harassment Bullying policy.
- 7.2 Employees must not ignore any form of discrimination. This includes inappropriate jokes and banter. Employees must positively promote equality and diversity and inclusion at all times.

8 Professional boundaries and relationships

- 8.1 Employees in our Trust are in a position of trust in relation to our students which means that the relationship between an employee and a student is not one of equals. It is a specific offence for a person aged 18 or over (e.g. teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual.
- 8.2 Employees must ensure that they avoid behaviour which might be misinterpreted by others. This includes any type of communication that they may have with students.
- 8.3 Employees must not make sexual remarks to any student or discuss their own sexual relationships with, or in the presence of students. Employees must not discuss a student's sexual relationships in inappropriate settings or contexts. Any sexual behaviour by a member of staff towards any student is unacceptable and illegal.
- 8.4 Employees must ensure that professional boundaries are maintained at all times. This means that employees should not show favouritism to any student and should not allow students to engage

in any type of behaviour that could be seen to be inappropriate. Students are not employees' friends and should not be treated as such.

- 8.5 Employees should be aware that it is not uncommon for students to become strongly attracted to a member of staff or to develop an infatuation. If any member of staff becomes aware of an infatuation they should report it immediately so that they can receive support on the most appropriate way to manage the situation.
- 8.6 For employees who are in a relationship with a colleague, parent or carer, or any other person associated with our Trust we expect that they identify this to the appropriate manager and ensure that this does not create a conflict of interest or affect their professional judgement or responsibilities in any way. Where an employee has managerial authority over another employee with whom they are in a close personal relationship, our Trust reserves the right to transfer one or both employees to another role in our Trust following appropriate consultation with both employees in order to seek agreement to the transfer.

9 Confidentiality and data protection

- 9.1 Members of staff may have access to confidential information about students, colleagues or other matters relating to our Trust. This could include personal and sensitive data, for example information about a student's home life. Employees should never use this information to their own personal advantage, or to humiliate, intimidate or embarrass others. Employees should never disclose this information unless this is in the proper circumstances and with the proper authority.
- 9.2 If an employee is ever in doubt about what information can or can't be disclosed they should speak to our Trust Data Protection manager contactable via GDPR@merciantrust.org.uk.
- 9.3 We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Employees are expected to comply with our Trust's systems as set out in our Data Protection Policy. If any employee becomes aware that data is at risk of compromise or loss, or has been compromised or lost they must report it immediately to the Data Protection Officer, in order (where applicable) for relevant breaches to be reported to the Information Commissioners Office within 72 hours.
- 9.4 Employees must read and understand our Data Protection Policy and other relevant policies including in relation to criminal records information, recruitment and safer recruitment, internet, email and communications, information security, copies of which are published on the internal information portal.

10 Physical contact with students

- 10.1 There are occasions when it is entirely appropriate and proper for staff to have physical contact with students. Employees must ensure that they only do so in ways that are appropriate to their professional role and in response to the student's needs at the time. This should be of limited duration and appropriate to the age, stage of development, gender and background of the student. Employees should always be able to explain why they have made physical contact with a student.
- 10.2 There may also be occasions where a student is in distress and needs comfort and reassurance which may include age appropriate physical contact. If an employee is in this position then they

should consider the way in which they offer comfort, ensuring that it is not open to misinterpretation and is always reported.

- 10.3 Staff may legally physically intervene with students to prevent them from committing a crime, injuring themselves or others, causing damage to property, engaging in behaviour prejudicial to good order and to maintain good order and discipline. Physical force should never be used as a form of punishment.
- 10.4 Sexual contact, including grooming patterns of behaviour, with students is unlawful and unacceptable in all circumstances.

11 Behaviour management

- 11.1 Employees should not use any form of degrading or humiliating treatment to punish a student. The use of sarcasm, demeaning or insensitive comments towards students is completely unacceptable.
- 11.2 Where students display difficult or challenging behaviour, employees should follow our Trust's behaviour policy using strategies appropriate to the circumstance and situation.

12 Social contact with students

- 12.1 Employees should not establish or seek to establish social contact, via any channels (including social media), with students for the purposes of securing a friendship or to pursue or strengthen a relationship. Employees should use their work provided equipment only for communicating electronically with students. If there are any circumstances in which an employee has had to provide their personal contact details, including phone numbers, email address etc, to any student then they should report this.
- 12.2 Our Trust's advice to staff is not to connect to students via social media or other communication channels unless this is for professional purposes and that the employee can demonstrate that this is the case.
- 12.3 Our Trust is part of our community and we recognise that, as members of the community, employees will come into contact with students outside of the academy. We expect staff to use their professional judgement in such situations and to report any contact that they have had with a student, outside of school, that they are concerned about or that could be misinterpreted by others.

Social Media

Staff must not post disparaging or defamatory statements about our Trust, our students or their parents or carers; our governors or staff; suppliers and vendors; and other affiliates and stakeholders. Staff should avoid social media communications that might be misconstrued in a way that could damage our Trust's reputation, even indirectly.

If you see content in social media that disparages or reflects poorly on our Trust or our stakeholders, you should print out the content and contact the appropriate manager. All staff are responsible for protecting our Trust's reputation.

13 Photography, videos and other images/media

Many educational activities involve recording images. These may be undertaken for displays, publicity, to celebrate achievement and to provide records of evidence of the activity. Under no circumstances should employees use their personal equipment to take images of students at or on behalf of our Trust.

14 Acceptable use of technology

Staff should only use ICT systems and resources (email, Microsoft Teams, and phone) for all academy business or only in line with what is allowed.

15 Personal Phones and Tablets

- 15.1 Staff must not use personal electronic communication devices such as mobile phones or iPads as cameras in school. Any photographs/video footage must be taken using school equipment. Staff must only save images on school IT hardware/computers.
- 15.2 Staff who are in contact with pupils should not use personal mobile phones in school during their directed/paid hours of employment unless there are exceptional circumstances and they have requested and been given explicit permission to do so by the principal/ headteacher. Outside of these times, mobile phones should only be used in areas of the school where pupils are not present.

16 Alcohol and Substance Misuse

- 16.1 Staff must not drink alcohol or take illegal substances during the normal working day nor should they drink alcohol or take illegal substances with students outside of the normal working day.
- 16.2 Staff on trips with responsibility for students must not consume alcohol or take illegal substances in case of emergencies. Drivers must not consume alcohol or take illegal substances under any circumstances. It is a disciplinary offence to be on Trust premises and/or carrying out official duties when under the influence of either alcohol or non-medically prescribed drugs.

17 Working one to one with students

- 17.1 There will be times where an employee is working one to one with a student and this is acceptable. Employees need to understand that this means that they may be more vulnerable to allegations being made against them. Therefore, it is important that employees:
 - Avoid meeting on a one-to-one basis in secluded areas inside or outside of school
 - Ensure that the door to the room is open or that there is visual access into the room
 - Inform a colleague or line manager of the meeting, preferably beforehand
 - Reports to their line manager if the student becomes distressed or angry.

18 Curriculum

- 18.1 Many areas of the curriculum can include or raise subject matter which is sexually explicit or of a political or sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This can be supported by developing ground rules with students to ensure sensitive topics can be discussed in a safe learning environment. This plan should highlight particular areas of risk and sensitivity and care should especially be taken in those areas of the curriculum where usual boundaries or rules are less rigorously applied e.g. Health and Social Care, PSHE, Drama.
- 18.2 The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit, political or otherwise sensitive nature. Responding to children's questions requires careful judgement and employees should take guidance in these circumstances from the Designated Safeguarding Lead.

19 Dress and appearance

- 19.1 Staff are expected:

to consider the manner of dress and appearance appropriate to their professional role and responsibilities;

not to dress or appear in a manner that might be considered inappropriate so as to avoid rendering themselves liable to criticism or allegation.

- 19.2 Staff must:

Upkeep standards of professional appearance (note: it may be appropriate for members of staff to dress in different attire suitable to activities during the whole/part of a school day (e.g. PE, CCF), and school-branded clothes shall be made available for these purposes)

Make every effort to cover tattoos

- 19.3 Where more informal dress is appropriate, for example during residential trips, ensure that their clothing:

- is not likely to be viewed as offensive, revealing, or sexually provocative;
- does not distract, cause embarrassment or give rise to misunderstanding;
- does not have political or otherwise potentially contentious slogans, artwork, or wording;
- is not considered to be discriminatory; and
- is culturally sensitive.

- 19.4 Staff must not:

wear shorts whilst teaching in a classroom situation (tracksuit bottoms may be worn for those staff who have PE commitments in other parts of the day)

20 Gifts and hospitality

Staff should refer to our Trust's Gifts and Hospitality Policy for further information.

The offer of gifts or benefits in kind to employees (or their partners or family members) arising from their official duties could cause a conflict between their private and public interests.

Unless the exceptions below apply, employees should refuse any personal gift offered to them, their partner or family member by any person or organisation who has dealings with our Trust. Employees must declare any offer on our Trust's online form and say what action they have taken. The exceptions are:

- Gifts or hospitality up to £50.00 in value, including:
- Gifts made at the end of a courtesy visit to an organisation that are of a promotional nature and of a kind normally given by the organisation;
- Gifts of token value such as diaries, calendars and pens; or
- Gifts of token value given by pupils or parents at Christmas or at the end of term.

All gifts or hospitality over £50.00 must be declared.

As offering gifts is a common practice in the business world particularly at Christmas time, our Trust may decide the gift should be returned. If, for example, a gift is simply delivered to an employee's place of work, there may be a problem returning it, in which case, it should be immediately reported to the Head Teacher who will decide on the appropriate action.

A modest amount of hospitality is a normal part of public life but it is important not to risk undermining public confidence or allow it to appear that it may improperly influence the way in which employees carry out their duties. Hospitality is sometimes offered to employees in a formal capacity, such as attending exhibitions, seminars, sporting events, shows or concerts.

Employees must be particularly careful if they are offered hospitality by someone who wants to do business with or obtain a decision from our Trust. It is important to avoid any suggestion of improper influence. Employees should accept an offer of hospitality only if they genuinely need to go to an event to receive or give information, represent our Trust in the community or make prior visits to check arrangements, particularly in relation to health and safety (for commercially organised visits, journeys or activities involving pupils). They should only accept offers to attend purely social or sporting occasions if these are part of the life of the community or our Trust should be seen to be represented.

If hospitality has to be declined, this should be done politely with an explanation of our Trust's rules on hospitality.

Employees should use our Trust's online form to notify all offers of hospitality to the Head Teacher. This is not required if the hospitality is below £50.00.

Staff should not give gifts to students unless this is part of a recognised practice in line with the school's behaviour policy.

21 Keeping within the law

21.1 Staff 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. However, being investigated by the police, receiving a caution or being charged will not automatically mean that an employee's employment is at risk.

21.2 Employees must ensure that they:

21.2.1 Uphold the law at work

21.2.2 Never commit a crime away from work which could damage public confidence in them or our Trust, or which makes them unsuitable for the work they do. This includes, for example:

- submitting false or fraudulent claims to public bodies (for example, income support, housing or other benefit claims)
- breaching copyright on computer software or published documents
- sexual offences which will render them unfit to work with children or vulnerable adults
- crimes of dishonesty which render them unfit to hold a position of trust.

21.2.3 Write and tell the Head Teacher (Chair of Governors if they are the Head Teacher) immediately if they are questioned by the police, charged with, or convicted of, any crime whilst they are employed at our Trust (this includes outside of their working hours). The Head Teacher and/or governors will then need to consider whether this charge or conviction damages public confidence in our Trust or makes the employee unsuitable to carry out their duties.

22 Conduct outside of work and at work related functions

22.1 Unlike some other forms of employment, working at our Trust means that an employee's conduct outside of work could have an impact on their role.

22.2 Staff must not engage in conduct outside work which could seriously damage the reputation and standing of our Trust or the employee's own reputation or the reputation of other members of our Trust community. Employees should be aware that any conduct that we become aware of that could impact on their role within the academy or affect the academy's reputation will be addressed under our disciplinary procedure.

22.3 We therefore expect employees to make us aware immediately of any such situations that have happened outside of the academy.

- 22.4 Employees are required to demonstrate responsible behaviour at work-related functions and work-related social events that take place outside normal work hours and to act in a way that will not have a detrimental effect on our reputation.
- 22.5 Staff must not behave in a way outside work that may impact on their suitability to work with children. This includes behaviour which does not directly involve a child/children. Should we become aware of any such incident or behaviour, we may treat the issue as a safeguarding matter and manage it in accordance with the Keeping Children Safe in Education statutory guidance document. Employees should be aware that any behaviour that we consider may impact on an employee's suitability to work with children will be addressed under our disciplinary procedure and may lead to a referral to the Disclosure and Barring Service (DBS) and the Teaching Regulation Agency (where appropriate).
- 22.6 We therefore expect employees to make us aware immediately of any such situations that have happened outside of the academy.

23 Agency workers

- 23.1 We will investigate allegations made against agency workers with the cooperation of the agency. Whilst we may decide to cease using the services of an agency worker, this will not prevent us from investigating allegations and liaising with the Local Authority Designated Officer (LADO) to determine a suitable outcome. We expect agency workers and agencies to cooperate with our investigations and with external agencies where applicable.
- 23.2 We will discuss with the agency whether it may be appropriate for them to consider suspending an agency worker, or whether we are prepared to redeploy an agency worker during an investigation.

24 Review

This Code of Conduct is reviewed and amended annually by our Trust. We will monitor the application and outcomes of this code of conduct to ensure it is working effectively.

Employee Name: _____

Employee Signature: _____

Date: _____