

# Code of Conduct Policy

## **Brearley Nursery School** **Mission Statement**



**“A safe place to hope, learn, play, enjoy and grow”.**

At Brearley Nursery School we value all of our children and families. As a setting we follow Birmingham City Council's safeguarding procedure and we uphold British values whilst celebrating the diversity in our communities. We also promote mutual respect and we are an inclusive setting.

Our ethos and curriculum enables children to be independent learners who make choices and building strong relationships, particularly with their peers. This promotes an exciting learning journey that engages learners

We are a Rights Respecting School where we help our children to grow into confident, caring and responsible young citizens both in school and within the wider community. By learning about their rights our children also learn about the importance of respecting the rights of others.

All of these principles create the firm foundations needed to encourage democracy, the rule of law, individual liberty, mutual respect and tolerance of those of different faith and beliefs. Staff members are also trained on the 'Prevent Strategy', this is utilised in the delivery of the curriculum and within our professional practice.

# Code of Conduct Schools and Academies

***Head Teachers, Principals, Teaching and Support staff are covered by this Code of Conduct. The Support Staff Trade Unions have been consulted. Consultation with the Teaching Unions is continuing.***

The following Code of Conduct has been adopted by the Governing Body of Brearley Nursery School to enable it to discharge its functions under the School Staffing (England) Regulations 2009 (the "Regulations") in relation to its duty under Regulation 7 to establish procedures for the regulation of the conduct of the staff at the school.

This Code of Conduct applies to all employees in the School. All Schools are entitled to demand a level of conduct from employees which is of the highest standard. In the case of teachers, it applies in conjunction with Part B of the Teachers' Standards.

This code aims to establish the usual standard of conduct expected of all employees. Its principles will reflect the employer's core values as it sets down the way in which you, as an employee, are expected to conduct yourself.

As an employee, you must not put yourself in a position where duty and private interests conflict and you must not make use of your employment to further your private interests.

The Code consists of:

1. General Principles
2. General Code of Conduct
  - Application and Intent
  - Personal Interest
  - Gifts and Responsibility
  - Sponsorship
  - General Confidentiality
  - Dealing with the Council's Money
  - Criminal Charges and Convictions
  - Other Employment
  - Intellectual Property and Copyrights
  - Publications and Dealing with the Press
  - Equipment and Materials
  - Political Restrictions and Neutrality

- Equal Opportunities
- Employment Matters
- Discrimination/Harassment
- Fitness for Work
- Health and Safety
- Attendance
- Smoking
- Dress Code
- Identity Badges
- Disciplinary Rules
- Following Instructions

## 1. General Principles

As an employee you are expected to carry out your duties in accordance with the relevant policies and procedures adopted by the Governors at the School.

You are expected to uphold the following principles:

- **Selflessness:** - your decisions must be taken in terms of the values and mission of the School, and not in order to gain financial or other material benefits.
- **Integrity:** - you must not place yourself in a situation where your position is compromised.
- **Objectivity:** - all decisions must be made on merit alone.
- **Accountability:** - you must accept accountability for your decisions and actions.
- **Openness:** - you should be as open as possible about all your decisions and actions.
- **Honesty:** - you should declare any private interests relating to your duties and take lawful steps to resolve any conflicts to ensure that public interest is protected.
- **Leadership:** - you must support and promote these principles by example.
- **Conduct:** - you must avoid bringing the employer into disrepute (e.g. by the use of social networks or the internet).
- **Respect:** - you must treat others with respect.

## **2. General Code of Conduct**

### **Application and Intent**

You will be expected to act in accordance with the Code of Conduct. The Code has been designed so that you are not left in any doubt as to what is acceptable or unacceptable behaviour. The Code of Conduct places rules and regulations on certain activities and any breach of these prohibitions may lead to disciplinary action. References to Head Teacher or Principal in this document should be taken to refer to the Chair of Governors (or an appropriate person designated by the sponsor or academy trust).

### **Personal Interest**

You must not in your capacity as an employee:

- Allow your personal interests to conflict with the school requirements.
- Use your position improperly to confer an advantage or disadvantage on any person.

You must:

- Not disclose information given to you in confidence, or information acquired which is of a confidential nature, without the consent of a person authorised to give it.
- Not prevent another person from gaining access to information to which that person is entitled by law.
- Ensure that your relationships with colleagues, pupils, parents and governors and any other people with whom you may come into contact with in the course of your duties are professional at all times.

### **Gifts and hospitality**

The School seeks to maintain the highest standards of conduct and probity in its educational establishment.

The acceptance of gifts and/or hospitality by employees must be treated with extreme caution. No offer of a gift or inducement, whether made at specific occasions (e.g. at Christmas) or casually, should be accepted when the gift is made by, or indirectly by, a person, firm or organisation which, to the knowledge of the employee, has or seeks to do business of any kind with the School which maintains the School or to have an interest in its decisions.

The receipt of minor articles, often by way of trade advertisements, which will be used by the School business (e.g. diaries, calendars, office requisites, etc., which are customarily distributed at Christmas and, occasionally, at other times) is acceptable.

If you are in any doubt, you should seek guidance from your Head Teacher, Principal or Line Manager in School before accepting any gifts or hospitality offered. If there is any doubt further advice can be requested from the Local Authority's Internal Audit Office, where the School purchases the Authority's services or from their other relevant audit office.

Employees should also refrain from making any gifts to external organisations or to the employees of organisations which provide services to the School or which are potential providers of such services.

### **Sponsorship**

Where the School or parties to the School, including the City Council where it applies, sponsors an event or service, you, or any partner, spouse or relative must not benefit from the sponsorship.

You must seek guidance from your Head Teacher, Principal or Manager if you are involved with any event or service that the School proposes to sponsor.

### **General Confidentiality**

You may, in the course of your duties, obtain information which is confidential.

You must not:

- Pass on any information received or obtained through your employment to anyone who is not entitled to have that information.
- Use information for personal advantage.

You must:

- Work within the requirements of Data Protection Act 1998 and the Freedom of Information Act 2000.
- Observe the School procedures for the release of personal information held about other employees or members of the public.
- You must not misuse your position by seeking information which you do not need to know to carry out your duties.

Examples of abuse of confidence would include:

- Ill-considered gossip whether with colleagues or outsiders which may be misconstrued and re-quoted.
- Exploitation of confidential information for personal gain.
- Premature and/or unauthorised disclosure to other parties of policy proposals, with the object of generating adverse publicity e.g. to the press, interest groups.

## **Dealing with School Money**

You must:

- Ensure that public funds are used in a responsible and lawful manner.
- Strive to ensure value for money to the School and to avoid legal challenge.
- Ensure compliance with the schools and City Council's standing orders and financial regulations which maintained Schools are required to follow under the funding scheme for Schools. The academy has their own financial regulations to follow.

## **Criminal Charges and Convictions**

In accordance with the School Staffing Regulations [and, for Academies, the Independent School Standards Regulations], the School requires all applicants to disclose criminal convictions, whether committed in the UK or elsewhere.

You must:

- Notify the School in writing if charged with any criminal offence or if convicted of any criminal offence, this includes cautions.
- If charged with an offence, advise your Head Teacher or Principal immediately after you are charged (i.e. next working day). The Head Teacher or Principal should inform the Chair of Governors immediately after they are charged.

It should be noted that the term 'conviction' includes a finding of guilt, regardless of whether or not a conviction is recorded. Failure to notify the Head Teacher or Principal in either case will constitute grounds for disciplinary action.

## **Other Employment**

In some instances, your contract of employment may:

- Prevent you from undertaking other employment without the written permission of your Head Teacher or Principal. This will be stated within the individual support staff contract.
- It is important that you ensure that any additional employment does not conflict with the interests of the School or affect your ability and credibility to do your job.
- Where you have more than one job, your School is responsible for ensuring that the 48 hour week is complied with. You should therefore ensure that you inform the Head Teacher or Principal about any work you undertake for other employer(s). You may opt to work more than 48 hours per week and should you wish to do so, you will need to complete the form 'Working Time Regulations Opt Out Agreement' under Supporting Documents and submit it to your Head Teacher, Principal or Line Manager for approval. This form is available on the HR portal.

- You must ensure that the School and their equipment are not utilised in connection with any other employment unless permission is given by the Head Teacher or Principal.
- If in doubt, the best thing to do is to discuss the circumstances with your manager.

### **Intellectual Property and Copyrights**

All intellectual property rights, (that is copyright, design rights and the right to patent inventions) relating to anything created or invented by you in the course of your duties belongs automatically to the School, unless otherwise agreed, you cannot exploit the rights to any such thing without written permission from the Head Teacher or Principal.

### **Publications and Dealing with the Press**

You must not:

- Publish any material which comments on the activities, policies etc of the School without the consent of the Head Teacher or Principal.
- Make comments to the press or media unless specifically authorised to do so by the Head Teacher or Principal.

Where requests for comments are received they should be passed on to the Head Teacher or Principal, who may then wish to seek advice from the press office.

Where you wish to publish an article unconnected with the School then the article must not link you to the School.

### **Equipment and Materials**

You must:

- Not use the equipment and premises of the School or of other places where you work during your contract of employment for unauthorised purposes.
- Only make personal telephone calls and emails when necessary and within reason.
- Only use the internet for personal use in your own time and/or in line with school policy.
- Follow the internet usage policy.

## **Political Restrictions and Neutrality**

There are a number of posts that are politically restricted. These fall into two broad categories:

- Specified posts
- Sensitive posts

If you are in a politically restricted post then this will be indicated in your contract of employment and you are restricted in certain political activities.

## **Political Neutrality**

The School will not concern itself with the political beliefs of individuals however you must not allow your own political beliefs to interfere with the work of the employer.

You may not display party political posters, including election material in the School.

## **Equal Opportunities**

The School is committed to the promotion and implementation of equal opportunities both internally and externally.

The School aims to ensure that everyone who comes into contact with it is treated equally and not in any way disadvantaged by factors which could prevent the implementation of fair policies and operations.

The School will recognise the differences which exist and will seek to understand the needs of people within the groups which are afforded protection or assistance through this policy.

The employer expects all its employees to uphold its Equal Opportunity in Employment Policy and to accept the duty not to discriminate, either in employment practices or in the provision of facilities and services by reference to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. For faith Schools, special exemptions under the Equality Act apply.

## **Employment Matters**

If you are involved in making appointments you must:

- Ensure that such appointments are made on the basis of the candidate's ability to do the job.
- Ensure that your personal preferences should not influence judgements made.
- Declare your interest where you are related to an applicant or have a close personal relationship outside School with him/her. If a Head Teacher or Principal has a personal relationship outside School their interest should be declared to the Chair of Governors in the first instance.



## **Discrimination, Harassment, and Victimisation**

You must treat all other employees, pupils, parents, and people with whom you come into contact with courtesy and respect, and must not make any remarks or gestures relating to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation which may cause offence.

Any complaint of discrimination, harassment, or victimisation or complaints made on the grounds of any of the protected characteristics listed above, will be taken seriously and will be the subject of a thorough investigation.

## **Fitness for Work**

The School accepts that alcohol is legally and freely available. You must:

- Ensure that the use of alcohol out of School does not adversely affect your work performance, the health, safety or welfare of yourself or others and does not damage the School image and reputation.
- If you are a Principal/Head Teacher or Manager, consider the options available for managing employees in the above situation and refer to the alcohol policy and guidance and also seek HR advice as necessary.
- Not consume or be under the influence of alcohol, use illicit drugs or other illegal substances while at school.
- Ensure that the use of any of them out of school does not adversely affect the work performance and safety of yourself or others, and does not bring the School and/or the City Council into disrepute.
- If taking medication you must seek the advice of your doctor to ensure that such medication will not impede your ability to do the job (e.g. operate machinery).
- Inform your Principal/Head Teacher or Line Manager of any situations where a risk to yourself or others may arise because of this.
- If you are a Principal/Head Teacher or Line Manager consider the options available for assisting employees who are required to take legally prescribed drugs and whose levels of performance has been impaired. In these circumstances a risk assessment should be undertaken.

## **Health and Safety**

You have a duty to take reasonable care of yourself and to cooperate with management under the Health and Safety at Work Act 1974. These responsibilities are identified in the School's/Academy's Health and Safety policy.

You are required to act at all times in accordance with this policy and generally to act in such a way to ensure your own safety and that of others.

Any action which potentially puts at risk the health and/or safety of yourself or others will be viewed seriously and may result in disciplinary action may be taken.

## **Attendance**

Your contract of employment contains the main terms and conditions of your employment with the School.

It is expected that you are available for work during these hours and take an unpaid lunch break.

You must record your attendance in accordance with your school time recording system.

## **Smoking**

The School is a non-smoking educational establishment

You are not permitted to smoke in any of the class rooms or educational space, or any other building owned or occupied by the School, at any time. The Head Teacher or Principal in discussion with the Governors may determine a dedicated smoking area.

Smoking whilst on premises of the School may be subject to disciplinary action.

## **Dress Code**

There is a general expectation that dress will be appropriate to the nature of the duties and responsibilities of your teaching or support staff job.

The School values and welcomes the ethnic diversity of all its teachers and support staff and therefore dress codes will take account of ethnic and religious dress requirements with sensitivity ensuring that employees are free to observe them.

Where there is a clear justification or a health and safety reason then the School may introduce appropriate dress codes to suit the own educational establishment.

## **Identity Badges**

There is a general presumption that all teachers and support staff issued with identity cards/badges wear them at all times including in the school and when they represent the school. Where the Head Teacher or Principal decide that it is not practical to wear identity badges then you should have them available for inspection at all times.

## **Disciplinary Rules**

The School has a disciplinary procedure.

The disciplinary procedure is concerned with instances of alleged misconduct, either ordinary or gross. It is anticipated that the vast majority of breaches will be of a minor nature and that they can be resolved without recourse to a formal procedure. Some breaches will be more serious or there may be circumstances where there is

repetition of a minor breach. In such circumstances the matter will be formally investigated and progressed under the formal procedure.

The School also has a separate capability procedure which provides a framework for Head Teacher, Principals, managers and employees to cope with issues of poor performance. The underlying intention of the Procedure is to give the employees who are falling below the established acceptable standards the opportunity to improve.

### **Following Instructions**

You are expected to follow all reasonable and lawful instructions by a person with the authority in School to issue such instructions unless:

- There is a danger to a person's health and safety.
- A conflict of interest may exist.
- It does not comply with School policy and practice.

The Head Teacher, Principal and Line Managers within the school must be able to justify their instructions and decisions in line with their delegations, authority, and School policy and procedures, and be open and respond promptly to constructive questions.

### **Contract of Employment**

Your contract of employment is an agreement between the employer, and in the case of community, community special, voluntary controlled and maintained nursery schools the City Council, and which sets out your employment rights, responsibilities and duties and this includes the Code of Conduct.

### **Data Protection Act**

The Data Protection Act protects personal data which relates to living identifiable individuals and deals with the way in which personal information is collected, held, recorded and used.

It works in two ways:

- It gives you certain rights.
- It states that those who record and use personal information must be open about how the information is used and must follow the 8 data protection principles.

## **Freedom of Information Act 2000**

The Freedom of Information (FOI) Act (2001) gives significant rights of access to information held by all public authorities.

## **Working Time Directive**

The Working Time Regulations as amended, impose minimum requirements on employers, while at the same time allowing flexibility for teachers, support staff and employers to make arrangements which suit them. One of the basic rights is a limit of an average of 48 hours a week which a worker can be required to work. However, there is provision for an opt out agreement to be signed where both the school and the teacher or member of support staff are willing to increase or exclude the limit on working hours (also refer to the paragraph relating to 'other employment').

## **Internet Usage**

Internet Users **must not** display, access, use, extract, store, distribute, print, reveal or otherwise process any kind of image, document or other material which is sexually explicit or offensive in any other way, on any School system. This activity would be a violation of the Schools policies, particularly those relating to conduct and discrimination.

If access to this information is required for educational purposes, a request must be submitted to the Head Teacher or Principal detailing legitimate reason for the access. If you are authorised to use this sort of material, you should take great care not to offend others when the material is revealed, and not to retain such material or access to it when it is no longer needed for business reasons.

You must not post any comments, photographs, images or conversations on social networking websites which may bring you, the school and/or the employer into disrepute. Security settings should be maintained at the highest level in order to prevent members including the public, colleagues, parents and pupils seeing any of your personal information. You should also follow any specific policy which your School may have set on the use of social networking websites.

## **Academies and Foundation Schools**

This Code of Conduct will only apply in these educational establishments where the Code has been adopted and implemented. You should check with your School or Academy if the Governors have adopted this Code of Conduct as it may not be applicable to you.

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