

**ST HELENS COUNCIL**  
**CHILDREN & YOUNG PEOPLE'S SERVICES**

**SCHOOLS**

**Code of Conduct for Employees**



St. Helens Council

Children and Young People's Services  
Department  
Human Resources Section  
The Rivington Centre  
Rivington Road  
St Helens  
Merseyside  
WA10 4ND

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# **ST HELENS COUNCIL**

## **CODE OF CONDUCT FOR EMPLOYEES IN SCHOOLS**

### **1. PURPOSE OF CODE OF CONDUCT**

The purpose of this document is to outline the Standards of Conduct expected from all employees in compliance with the schools Code of Conduct.

The Code of Conduct applies to all employees of the School/Council irrespective of their role, grade or status. Certain aspects of the Code will however have more relevance to senior or other designated employees. Some aspects of the Code may not apply to certain categories of staff. If this is the case, it will be indicated at the particular section.

As public employees, staff in schools are accountable to the public and the public is entitled to expect conduct of the highest standard. It is important that all employees in schools conduct themselves in a manner, which is beyond reproach and can be defended in the face of public criticism.

Employees in schools are bound by certain rules and regulations in some instances, by legislation, in others by conditions of service and standing orders, and all by the terms of their individual contract of employment. This code supplements these standards and rules to further regulate the conduct of staff and ensure their compliance and understanding of what is expected of them.

### **2. LINKS TO ASSOCIATED PROCEDURES**

The Code of Conduct has been developed to be used as a general guide and will have links to other associated procedures that may also regulate or guide the standards of conduct expected of employees. There are numerous procedures within Human Resources, Health and Safety, Information Technology etc, which will have close links to this Code of Conduct.

Investigations of alleged breaches of this Code will be dealt with under the schools disciplinary procedure.

### **3. STANDARDS**

Employees in schools are expected to give the highest possible standard of any service when dealing with pupils and the public and other organisations. Where it is part of their duties to provide advice to other employees and the Governing Body this must be done professionally and with impartiality.

### **4. PROFESSIONAL STANDARDS**

There is an obligation for all employees to adhere to rules and standards set by relevant professional bodies or institutions, which govern the conduct of their members. Employees who are members of a professional body (e.g. GTC) should after advice and carry out their duties in accordance with the professional standards of the

particular appropriate body. The Council may however determine its own standards, which may complement or exceed those set by other bodies.

There may be occasions when due to other factors it is impossible to carry out work to defined standards, in such cases after consultation with the Head Teacher work should be undertaken to an optimum standard having regard to the particular circumstances.

## **5. DISCLOSURE OF INFORMATION**

### **Confidentiality and Transparency**

The law requires that certain types of information must be available to the Governing Body, Elected Members, auditors, Government departments, service users and the public on matters such as school performance and budgetary issues.

Employees must not use information obtained in the course of their employment for personal gain or benefit, nor shall they pass it on to others who may use it in such a way.

Only employees authorised by the Head Teacher/Governing Body may talk to the press, or otherwise make public statements on behalf of their school. Generally an employee (including a Head Teacher) contacted by the Press should seek the advice of the Council's Press Office who may deal with the matter on the schools behalf. This is not intended to prevent employees from writing or talking to the press on behalf of a Trade Union.

## **6. POLITENESS AND COURTESY**

People generally respond positively to courtesy and are more willing to co-operate. This assists employees to do their job more efficiently and reduces tension. Being polite and courteous also reduces the risk of an assault.

## **7. IDENTIFICATION**

Employees who are meeting staff, parents or members of the community at home as a representative of the school, should have appropriate identification. Employees should always state the purpose of the visit and approximately how long this will take.

## **8. IMPLIED CONDITIONS OF THE CONTRACT OF EMPLOYMENT**

Implied terms in any contract of employment are those aspects of it which are not prescribed in some specific way or other (i.e. in writing or in some oral form which are intended to be binding on both the employer and employee) but which are nevertheless essential to the contract and its performance.

The main implied terms which affect employees are:

### **(a) THE DUTY OF FIDELITY**

This is the expected loyalty of the employee to the employer in the carrying out of a contract and includes; deliberate or negligent actions or omissions, which could

damage the business prospects or reputation of the school, or in any way, bring the school into disrepute.

Such actions could include improper behaviour when on school business, using information obtained through employment with the Council/school to benefit self/another organisation or to damage the integrity of the school.

#### **(b) CONFIDENCE AND TRUST**

Any conduct which is likely to destroy or seriously damage the relationship of confidence and trust, which must exist between the Council/school and its employees. Such conduct could be actions committed outside work, which has a bearing on your employment, e.g. fraud or theft or by bringing the School into disrepute.

#### **(c) DUTY OF CARE**

Every employee has a duty of care towards the Council/School. Care in this instance is defined as the requirement for employees in their particular occupation to utilise their skills, ability and knowledge (for which they are employed) to the best interest of the council. Similarly employees will use school equipment and resources with proper regard to their intended use.

### **9. MANAGERIAL RESPONSIBILITY**

Employees who are managers or hold senior positions in school have particular positions of trust greater than an employee without these responsibilities. Terms implied in their contracts of employment place additional emphasis on behaviour and responsibility. Managers should, therefore, set an example to other employees in observing the rules and practices of the school.

### **10. OBLIGATION TO SERVE FAITHFULLY**

An employee who holds a senior position is entrusted to exercise discretion and judgement when carrying out their duties.

When exercising discretion they must have full regard to the school's legal obligations, rules of employment and the expected standards of conduct and behaviour as they apply to their particular work area.

This term of the contract of employment is breached when a manager commits or omits an act, not in the honest exercise of discretion or choice, but in order to disrupt the school's business or to cause inconvenience.

### **11. DUTY TO DISCLOSE**

All managers are responsible for monitoring the conduct of employees under their control. Where there appears to be evidence of a serious breach of the contract of employment on the part of an employee or employees then the manager has a duty to disclose such a breach to the Head Teacher in order that the appropriate action may be taken

## **12. POLITICAL NEUTRALITY ACTIVITY**

The governing body requires employees to implement its policies. This must be done equitably and employees must not allow personal or political opinions to interfere with the duty to implement the lawful policies of the school/council.

## **13. POLITICALLY RESTRICTED POSTS**

### **ALL TEACHERS INCLUDING THE HEAD TEACHER ARE EXEMPT FROM THESE RESTRICTIONS**

Under the Local Government and Housing Act 1989 Council/School employees (employed under NJC/Soulbury Conditions of Service) holding politically restricted posts (as defined below) are disqualified from elected membership of any local authority, other than a Parish or Community Council, from being an MP or an MEP or to hold office in a political party. Neither must employees canvass at any election or poll and/or speak or write in public in a way which appears to be designed to affect public support for a political party.

The posts under this restriction are: -

- a) All posts graded at spinal column point 44 (or equivalent) and above;
- b) All posts that meet the duties related criteria for delivering a 'sensitive' post irrespective of remuneration level these posts are defined as those which;
- c) Speak on behalf of the school on a regular basis to journalists and broadcasters.

Any employee who wishes to apply for an exemption from these restrictions should put their request in writing to the Governing Body for consideration. The legal section regarding such matters will provide advice.

## **14. RELATIONSHIPS**

### **Governors**

Some employees are required to give advice to Governors as part of their duties. Mutual respect between employees and Governors is essential to the efficiency operation of any school.

Employees should not use a personal relationship with a Governor to influence or attempt to influence any decision making process of the Governing Body or to interfere with the proper implementation of Governing Body decisions. Equally Governors should not use a personal relationship with an employee to interfere with or gain advantage over the proper running of the school.

## **15. CONTRACTORS AND SUPPLIERS**

Employees who engage contractors or suppliers and are involved with supplier or contractors with whom they previously had or currently have a relationship in a private or domestic capacity must declare that relationship in writing to the Head Teacher.

Any employee who has had or is having an official relationship with the contractor or supplier, if this is to that particular employees advantage must not use contractors and suppliers in a private or domestic capacity. If any relationship becomes unavoidable then the circumstances of the private or domestic relationship must be declared to the Head Teacher. This does not apply to suppliers "open" offers to the public or to "offers" to the whole school workforce.

Any employee must not approach contractors and suppliers of the school in any capacity to provide goods and services at preferential rates by virtue of the employee's dealings on behalf of the school. This does not apply to organisations offering preferential rates to the whole of the school workforce.

## **16. APPOINTMENTS/PROMOTION/DISCIPLINE**

Any appointments or promotions must be made on the basis of merit and the recruitment and selection procedures as determined by the Governing Body. If you are involved in these processes you must declare any personal, social or other relationship with any candidates or other employee over which any decision is required. You should declare any such relationship in writing to the Head Teacher. In the case of a Head Teacher this should be declared to the Chair of Governors.

Similarly, you must not be involved in dealings relating to the disciplinary/grievance/capability procedures, which involves another employee who is a relative, partner or a personal friend.

## **17. DATA PROTECTION**

Under the Data Protection Act 1998, employees have a legal obligation to safeguard personal data in their care and treat it in accordance with the provision of the Act.

All personal information which is held in respect of employees/pupils and accessed in the course of an employees duties must be treated as confidential and must not be disclosed to any third party without authorisation or permission of employee or parents will on occasion override this, e.g. sharing information for child protection purposes.

## **18. OUTSIDE COMMITMENTS/ADDITIONAL EMPLOYMENT**

NJC (support staff) conditions of service prohibits employees graded above SCP 28 to engage in any other business or paid employment other than for which he/she is employed by the Council/School. To gain approval to undertake other paid work or engage in business activities, the employee must put the request in writing to the Head Teacher. This will then be subject to Governing body approval.

All Employees including those employees graded below Scale 6 must not involve themselves in any organisation or business, either on a regular or casual basis, which

carries out work on behalf of the School, or on School property, nor must they hold any financial or business interest in any such organisation.

The school also subscribes to the Working Time Regulations (1Oct98) as amended) and takes an interest in the number of hours that an employee works above those contracted to the Council/School. All employees under this Code should notify the Head Teacher of any additional work undertaken. The School has a duty of care to its employees and recognises that working excessive hours may be a contributory factor to employees ill health and may have an adverse effect on their ability to perform their substantive duties at the School.

If clarification is required on this matter, then advice should be sought from the Personnel Manager and if necessary discussed with the Head Teacher. Further guidance is available at paragraph 29.

## **19. REGISTRATION OF PERSONAL INTERESTS**

All employees irrespective of grade or status must declare any financial interests in any organisation that could conflict with the school's interests.

Employees who are members of any organisations not open to the public without formal membership or commitment of allegiance and which has secrecy about rules membership or conduct then that membership must be declared to the Governing Body.

## **20. GIFTS**

With the exceptions outlined below employees are not permitted to receive gifts via their capacity as an employee at the school. These include gifts for work undertaken, speaking engagements, gifts from organisations with links to the school, gifts provided at seminars/conferences, competitions connected to the employees work,

All gifts should either be declined or declared to the Head Teacher who will arrange for the gift to be donated to the Mayors Charity Appeal. Acknowledgement will be sent to the employee declaring the gift or item.

There are however a number of exceptions:

Promotional gifts of insignificant value (pens, diaries, key rings, calendars etc) are acceptable and employees will not be required to declare these.

Individual employees or departments within the school may also receive gifts from current and former employees. These gifts are usually in the form of mementoes, flowers, confectionery, wine etc. These gifts are acceptable and there is no requirement to declare them.

Employees in schools traditionally receive gifts from parents and pupils at the end of term/Christmas. Employees must not accept significant personal gifts from pupils or parents. The type of gifts that are acceptable are flowers, chocolates, wine and gifts of insignificant value. These gifts are acceptable and there is no obligation for the employee to refuse or declare these types of gift. If however gifts are made of a significant value e.g. jewellery, electrical equipment then these must be declared.



The school will regularly inform parents of what gifts are acceptable to avoid any embarrassment to employees or parents and pupils. If employees are in any doubt regarding the appropriateness of certain gifts then guidance should be sought from the Head Teacher.

## **21. USE OF COUNCIL PROPERTY OR FACILITIES**

Employees must not remove or use council/school property or facilities for personal requirements or for the benefit of others where the work of the Council is not involved unless authorised to do so. Use of school buildings or buildings or facilities outside normal duties and hours must be fully authorised and open to scrutiny.

Employees must not conduct school business or work connected with an outside business or organisation during school time unless expressly and formally requested to do so by their Head Teacher. Employees must not involve colleagues or request them to carry out such work.

## **22. COPYRIGHTS, DESIGNS AND PATENTS**

Any inventions, creative design, writing or policies which are produced as part of normal duties or as an obligation are the property of the school and must not be passed to any outside organisation or person without the express permission of the Council/School.

Employees must not market or sell any invention, creative design, writing or policy which has been produced during the employee's period of employment with the Council/school as part of the normal duties attached to the employee's contract of employment.

## **23. EQUALITY ISSUES**

All employees have an obligation to ensure that the requirements of the law and of school policies relating to equality issues are complied with.

All members of the public, clients and other employees have the right to be treated with fairness and equality, in accordance with the School's Equality Policy.

## **24. INVOLVEMENT IN THE TENDERING PROCESS**

Employees involved in the tendering process for Council services or in the procurement of goods and services should fully understand the Council's procedures and practices as current and be conversant with Council's Financial Regulations, Standing Orders and Procurement Statute. If an employee is unclear, they should seek guidance from their Head Teacher.

Employees must exercise the above in a fair and impartial manner when dealing with all customers, suppliers, contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors or suppliers must not disclose that information to any unauthorised party or organisation.

## **25. CORRUPTION**

It is a criminal offence for an employee to corruptly receive or give any gift, loan, fee, reward or advantage for providing or not providing anything showing favour or disfavour to any person in their official capacity. If there should be cause to challenge such reward then it would fall upon the employee to be able to demonstrate the openness and probity of their actions.

## **29. REGISTERING A PERSONAL INTEREST/APPLICATION FOR PERMISSION TO ENGAGE IN OUTSIDE COMMITMENTS/ADDITIONAL EMPLOYMENT**

Employees registering an interest or applying for permission to engage in outside commitments or additional employment should do so on the appropriate form which is obtainable from school.

In all cases employees' applications to engage in outside commitments or additional employment will be considered by and commented on in the first instance by the Head Teacher. This will then be submitted to the governing body for approval. This may be delegated to the Chair of Governors but any requests approved should be reported to the following governing body meeting. The decision will be relayed to the individual in writing.

Employees registering interests will receive acknowledgment and any specific action that is required to be taken.

This policy will be monitored and reviewed in 12 months

Appendix 1: Guidance and application form for permission to engage in outside commitments or additional employment.

Appendix 2: Guidance and application form for registration of personal interests.

Spring term 2006

**DEALING WITH APPLICATIONS FOR PERMISSION  
TO ENGAGE IN OUTSIDE COMMITMENTS OR ADDITIONAL EMPLOYMENT**

**GUIDANCE NOTES**

The Governing Body has statutory obligations in respect of the Working Time Regulations 1998 (as amended) and has a duty of care to employees in respect of their Health and Safety. As such it is necessary to take an interest in any proposed additional employment.

Any support staff (NJC) graded above Spinal Column Point 28 or who is above that corresponding pay level must not engage in any other employment, business or commitment without the express permission of the Governing Body. Under certain circumstances the Governing Body may require employees below that level to inform them of any involvement and obtain permission.

1. Issues may arise where senior and/or key employees wish to carry out secondary employment. These may be circumstances that have an impact on the employee's working arrangements.
2. The application will be considered by the Head Teacher with advice from Personnel to determine:-
  - (a) Whether the work can be carried out by the Employee and the applicant remain in the Governing Body's employ when carrying out the work.
  - (b) Will the working arrangements undermine any relationship with external organisations or partners.
  - (c) In carrying out the work will the applicant be brought into conflict with the school's interests.
  - (d) What will be the perception of the Public, Colleagues and will that perception cause an adverse reaction and damage the School/Council's reputation.
  - (e) In allowing the applicant to undertake the work will this affect the exigencies of service. Will carrying out the work have an adverse effect on the applicant and the employment with the Council.
  - (f) Has the Duty of Care to the employee and the potential workload been considered.
  - (g) Has the Working Time Policy and the Statutory Regulations been considered.
  - (h) Consideration of the benefits to the school of the additional employment in particular teaching and learning.
3. Following consideration of the above the application will be given to the Chair of Governors for approval.
4. Please note that the maximum period of approval will be twelve months. Permission in excess of this is subject to further application.

- 5 If the application is refused, reasons for the refusal will be supplied to the employee in writing.
  
- 6 Employees have the right to appeal against the refusal to a committee of the governing body. The governors of this committee should not have been involved in the refusal of the original request

**School**

**CODE OF CONDUCT FOR EMPLOYEES**

**APPLICATION FOR PERMISSION TO ENGAGE IN  
OUTSIDE COMMITMENTS OR ADDITIONAL EMPLOYMENT**

(use one form per declaration)

Surname: \_\_\_\_\_ Forename(s): \_\_\_\_\_

Job Title: \_\_\_\_\_ Grade: \_\_\_\_\_

*Title of business or appointment:-*

*Nature of business or appointment:-*

*Main function of business or appointment:-*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***When will the work be carried out?***

*Weekends*

*Evenings*

*Annual Leave*

*Other*

*please tick all that are applicable*

*If other, please specify* \_\_\_\_\_

**How regularly will the work be undertaken?**

Daily      Weekly      Other

*please tick all that are applicable*

If other, please specify \_\_\_\_\_

**How long will this appointment / engagement last?**

\_\_\_\_\_

*N.B. all applications are subject to re-application and approved on an annual basis, or if significant changes to the original approval activity..*

**How much time will be devoted to the appointment / engagement during this time?**

Will you receive any remuneration or expenses from the appointment?    Yes     No

*Please tick*

If yes, please specify. \_\_\_\_\_

**How does the application relate to your employment at the School ?**

\_\_\_\_\_  
\_\_\_\_\_

Does the organisation you are engaged in or hold an appointment with, have a relationship with The School or is likely to do so in the future?    Yes     No

*Please tick*

If yes, please give full details \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have read and understand the obligations placed on me by legislation and the Code of Conduct for Employees and, where appropriate, my National Conditions of Service. The information given in this application is correct, to the best of my knowledge. If any circumstances change I will cease my commitment / employment immediately and inform the Head Teacher of such. I understand that any approval given will be for a maximum period of twelve months, and is subject to re-application and approval at that time.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

N.B. If you wish to continue in this commitment or additional employment beyond the twelve month period you must submit your re-application at least one month prior to the expiry date of this approval or continuity cannot be guaranteed.

|  |
|--|
| <p><b><u>Comments by the Head Teacher</u></b></p> <p>Head Teacher: _____ Date: _____</p> <p>Comments</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
|--|

|  |
|--|
| <p><b><u>Authorisation by the Governing Body</u></b></p> <p>_____</p> <p>_____</p> |
|--|

Applicant notified  
Of decision by:

\_\_\_\_\_ Date: \_\_\_\_\_

**CODE OF CONDUCT FOR EMPLOYEES**

**REGISTRATION OF PERSONAL INTERESTS**

**GUIDELINES FOR EMPLOYEES**

The Governing Body cannot restrict nor would it wish to restrict members of an employee's family from being involved with organisations that conduct business or are associated with the School.

The purpose of a declaration in such an instance is to show transparency in the relationship between the school, the organisation and the employee. Where necessary, steps will be taken to ensure that the employee concerned is not involved in any school processes relating to the specified organisation.

Employees who carry out any form of public duty e.g. elected member of another authority, serve on an N.H.S. Trust Board, act as a Justice of the Peace or school governor etc. must declare this fact. Similarly employees who are involved with any organisation which is sponsored by or receives donations from the school, or which sponsors the school must also declare these facts.

The aim of these declarations is not intended to restrict employees' personal life but to protect their interests as a school employee against any allegations.

**Process**

1. Obtain the Form from the school office.
2. Complete the form and return it to the Head Teacher.
3. If necessary clarification will be sought of any information given.
4. Employees will receive written acknowledgement of their declaration with any advice for compliance with the Council's Code of Conduct.



**School**

**CODE OF CONDUCT FOR EMPLOYEES**

**REGISTRATION OF PERSONAL INTERESTS**

**Use only one form per declaration**

Surname: \_\_\_\_\_ Forename(s): \_\_\_\_\_

Job Title: \_\_\_\_\_

Employee Reference Number: 

|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|

*Name of organisation in which you have an interest:-*

*Nature of organisation:-*

*How are you connected to the Organisation?*

*If and how is the organisation related to the School?*

*Are you involved with any School processes that may involve the organisation?*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**THANK YOU FOR DECLARING THIS INTEREST**

Head Teacher: \_\_\_\_\_

Date: \_\_\_\_\_

Chair of Governors: \_\_\_\_\_

On behalf of the Governing Body

Date: \_\_\_\_\_

Comments

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Entered in School's Register of Declaration of Interest

Acknowledgement sent \_\_\_\_\_ Date \_\_\_\_\_