

# CODE OF CONDUCT

## The Birmingham Contract

This Code of Conduct applies to support staff employed in schools under the Birmingham Contract for support staff in schools and sets out the usual standards of conduct expected of them.

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## **1. General Principles**

All employees in the school are expected to behave professionally.

All employees are expected to comply with the law as it applies to their work in the school, particularly in matters such as health and safety, safeguarding of children, and data protection. They are also expected to carry out their duties in accordance with the relevant policies, procedures, rules and guidance adopted by the Governing Body.

The Governing Body consults staff and recognized trade unions about the adoption or variation of its policies and procedures and associated guidance. It expects the Head Teacher to consult staff and unions as appropriate in relation to the general management of the school.

## **2. General Expectations**

### **2.1 Application and Intent**

Employees will be expected to act in accordance with the Code of Conduct. Any breach of the Code of Conduct may result in disciplinary action.

### **2.2 Personal Interest**

Employees should act professionally. They should not abuse their position in the school to confer an advantage or disadvantage on any person or obtain an advantage for themselves, whether financial or otherwise. They should not allow their personal interests to interfere with their work at the school.

Employees should not use their position in school to advocate any one religion, culture, political ideology to students. It is the direct responsibility of all employees to uphold British Values as defined in law from time to time.

To avoid any doubt or unwarranted suspicion employees should tell the school about a personal interest which might compromise or be seen as compromising their position in the school. If in doubt about what should be declared they should seek advice.

Examples of personal interests about which they should tell the school include:

- Situations in which the employee's job (for example, as head teacher or business manager) could unduly influence decisions on contracts into which the school has entered or is proposing to enter, or where an employee has a personal or financial interest in any of the contracts, either directly or indirectly (for example, through a partner or relative).
- Where an employee holds a position with an external company or organization, whether paid or unpaid, which may lead to a conflict of interest.

(Examples include directorships of companies, serving on bodies such as charities, voluntary groups, governing bodies of other educational establishments.)

- If an employee has a close personal relationship with a person who has influence over the employee's employment with the school or whose employment the employee could influence or control.

### **2.3 Gifts and hospitality**

The offer of any gift or hospitality, whether from outside or inside the school, which might be interpreted as an attempt to influence an employee in his or her conduct towards pupils, parents or other employees or influence a decision around provision of a service must be treated with caution. Employees should seek advice if in any doubt. The governing body acknowledges that pupils, parents or fellow-employees often wish to make small gifts (such as sweets) to employees on specific occasions (such as Christmas or at the end of the school year) and sees the spirit of giving as one to be nurtured in children. Any offer of a gift or inducement, whether made at specific occasions or casually, should be declared to the school if the gift is made by, or indirectly by, a person, firm or organization 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, as unsolicited gifts for the school rather than for personal use (e.g. diaries, calendars, office requisites, etc., which are customarily distributed at Christmas and, occasionally, at other times) is acceptable.

Where there is any doubt, employees should seek guidance from the Head Teacher or Line Manager before accepting any gifts or hospitality offered. In relation to his or her own position the Head Teacher should seek guidance from the governing body (or an appropriate committee of the governing body) in a formal meeting. 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 the relevant auditor retained by the school.

Employees should also take advice before making any gifts to external organizations, or to the employees of such organizations, which either provide services to the school or which are potential providers of such services. They should recognize that gifts could put themselves and/or the employees of those organizations in a difficult or embarrassing position.

### **2.4 Sponsorship**

The school is responsible for approving all sponsorship and should ensure that it gives guidance to employees on their involvement with the sponsorship, actual or proposed. Employees approached directly by actual or potential sponsors should refer the proposals to the head teacher for determination by the school.

Where the school or parties to the school, including Birmingham City Council where it applies, sponsors an event or service, such sponsorship must comply with the City Council's financial regulations (which apply to all maintained schools), so that there is no improper benefit to the school or its governors, pupils and employees, including any partner, spouse or relative of any governor, pupil or employee of the school, or any business with which they are associated.

## **2.5 General Confidentiality**

Employees must comply with the law on data protection and freedom of information and observe the school's procedures for dealing with personal information about other employees, pupils or members of the public. Employees must ensure that they do not pass on any confidential, personal information received or obtained through their employment to anyone, whether inside or outside the school, or to any organization not entitled to that information, and must not use such information for personal advantage. Employees must prior to disclosing any such information seek guidance from the school if they are uncertain as to whether or not the information can be passed on to the person or organization. The school, as data controller in law, is responsible for ensuring that the necessary guidance on the school's procedures for complying with the law, including the eight data protection principles, is made available to, and brought to the attention of, employees, including the arrangements for storing confidential information, whether held on paper or electronically.

Employees may request all the information held about them by schools or other public authorities in accordance with legislation on the Freedom of Information. These Subject Access Requests cover all kinds of records, including e-mails.

Disclosures under the Public Interest Disclosure Act are covered in 2.7 below.

## **2.6 Duty to report**

Employees should not conceal any matter which is their duty to report to the school or appropriate public body. This includes their duties in relation to the safeguarding and welfare of children – see [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/354151/Keeping\\_children\\_safe\\_in\\_education\\_Information\\_for\\_staff.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354151/Keeping_children_safe_in_education_Information_for_staff.pdf)

## **2.7 'Whistle-blowing'**

Employees considering making a disclosure under the Public Interest Disclosure Act should ensure that they first inform themselves of the law and of the school's policy on the Act, and take advice. Information on whistle-blowing can be found at [Public Concern at Work](#) and on the Schools HR Portal.

## **2.8 Dealing with School Money**

Employees must ensure that public funds are used in a responsible and lawful manner and in compliance with the school's procedures, which in maintained

schools must follow the City Council's standing orders and financial regulations, including the Schools Financial Values Standard.

## **2.9 Criminal Charges and Convictions**

An employee must notify the head teacher if charged with, or convicted of, any criminal offence, or accepts a formal police caution, and should do so as soon as possible after the charge, caution or conviction. If the head teacher or principal is the subject of the charge he or she must inform the Chair of Governors. Depending on the circumstances failure to inform may result in disciplinary action.

The school acknowledges that a caution is not a criminal conviction, but employees must be aware that cautions have to be declared during Disclosure and Barring checks unless they meet the filtering rules of the Disclosure and Barring Service.

The school acknowledges that an employee charged with an offence is innocent until proved guilty. However, special considerations will apply if the offence is one of those which is on the list of offences relevant to safeguarding (a full list is available on the Disclosure and Barring Service's website) or if an employee is imprisoned on remand pending trial.

Information given to the school will be treated as confidential and stored securely in the same way as other confidential personal information, having regard to the guidance from the Disclosure and Barring Service on the length of time for which particular kinds of information should be stored.

## **2.10 Other Employment**

Employees should ensure that any additional employment does not conflict with the capacity to fulfil the employee's contract of employment with the school.

The contracts of employment for support staff require them to inform their head teacher if they work for another employer or another part of the City Council and the number of hours which they are required to work for that employer. If the contract of employment with the school is the primary employment contract then the head teacher may refuse permission for other employment where a conflict of interest exists, or the number of hours worked has implications for the health and safety of clients or pupils, or there are significant implications for Birmingham City Council's and the school's duty of care to its employees.

Employees undertaking other employment must not use school time or equipment for that purpose without the permission of the Head Teacher.

Employees in any doubt should ask the school for advice.

### **2.11 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 employees in the course of their duties belong automatically to the school. Unless otherwise agreed, employees cannot exploit the rights to any such thing without written permission from the head teacher.

The head teacher may agree to the school collaborating with other schools to create or invent intellectual property to be shared with other schools.

Employees may use and print one copy of items which are the school's intellectual property for their personal and non-commercial use only, provided that all copyright and proprietary notices remain intact. They should not share these items with people or organizations outside the school without the permission of the head teacher and they should be returned to the school on termination of employment.

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

Employees must not make comments to the press or other media, including social networking sites, on behalf of the school unless specifically authorised to do so by the head teacher. Where requests for comments are received they must be passed on to the head teacher, who may then wish to seek advice from the City Council's press office.

Employees should not publish any material which brings the school into disrepute.

Employees may make disclosures of public interest to other appropriate organizations or the press (whistle-blowing) provided that those disclosures meet the legal requirements of the Public Interest Disclosure Act and should take advice from their union or [Public Concern at Work](#) before doing so.

If employees wish to publish an article unconnected with the school then the article should not link them to the school.

### **2.13 Equipment and Materials**

Employees must not use the equipment and premises of the school, or of other places where they work during their contract of employment, for unauthorised purposes. If they are permitted to use equipment, premises or materials for private purposes, the use must not interfere with the work of the school and they must pay any costs incurred, including costs of paper and printing. They may make personal telephone calls if necessary in their own time, paying for the cost of the call if they use a telephone belonging to the school. Permission for use of any facilities will be on the understanding that the use is reasonable.

Union facility time agreements permit the use of telephone with reasonable privacy if available, with payment of outgoing calls, also use of printing and word processing

equipment, where available, for union work within the school provided that this does not interfere with the work of the school and subject to payment for the materials used.

#### **2.14 Political Restrictions**

The legislation on political restrictions specifically exempts head teachers or principals of schools, colleges or other educational establishments maintained by local authorities and also teachers and lecturers in such establishments. Until January 2010 there was also a prohibition on support staff paid on spinal column 44 and above, but this provision of the Act was then repealed.

#### **2.15 Political, Philosophical or Religious Neutrality**

The school will not concern itself with the political, philosophical or religious beliefs of individuals.

Employees may not display party political posters, including party political election material, in the school, unless it is part of the curriculum or used as a teaching aid (for example, in a lesson on citizenship).

#### **2.16 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 with courtesy and respect, 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, which will be available in the school, 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.

#### **2.17 Recruitment and selection**

If involved in making appointments employees must:

- Ensure that such appointments are made on the basis of a fair recruitment and selection procedure.



- Ensure that their personal preferences should not influence judgements made.
- Declare their interest where related to an applicant or having a close personal relationship outside school with an applicant. If a Head Teacher has a personal relationship outside school this interest should be declared to the Chair of Governors in the first instance. The Chair of Governors should report any declaration of interest to the full governing body.
- Adhere to the statutory guidance in 'Keeping Children Safe in Education' – [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/372753/Keeping\\_children\\_safe\\_in\\_education.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/372753/Keeping_children_safe_in_education.pdf)

## **2.18 Alcohol, illegal substances and medication**

The school accepts that alcohol is legally and freely available and acknowledges that some illegal substances are also readily obtainable. Employees are not expected to use illegal substances. Employees must ensure that the use of alcohol out of school does not adversely affect their work performance, and that, in accordance with their obligations under health and safety legislation, they take reasonable care of the health and safety of themselves and other workers whilst at work. The school will not accept employees arriving at work under the influence of alcohol or illicit drugs and whose ability is impaired in any way by reason of the consumption of alcohol or illicit drugs or who consume alcohol in contravention of the school's policy on the consumption of alcohol or take illicit drugs on the school premises. They should also have regard to the expectation that they will not bring the school into disrepute. The school has similar expectations around the use of illegal substances, but employees are reminded that any adverse publicity around such use is more likely to damage the school's reputation than are complaints about the employee's abuse of alcohol.

Employees are expected to follow the school's policy on the consumption of alcohol on the school premises or during working time off the premises.

The governing body's alcohol policy recognizes that alcoholism and other addictions are illnesses and that employees should be offered appropriate support through the Managing Attendance Procedure. Schools must also consider the effects of legally prescribed drugs or certain types of medication on the performance of employees and deal with these under the Managing Attendance Procedure, undertaking a risk assessment where necessary and taking occupational health or other specialist advice as appropriate.

Employees who are prescribed a type of medication which they have not taken before should make themselves aware of possible side-effects. In accordance with their duty to take reasonable care of their own and their colleagues' health and safety they should advise the school if the medication starts to affect their ability to do their job or travel safely to work, or if there is a likelihood that this will happen. The school should undertake risk assessments and take occupational health or other specialist advice as appropriate.

### **2.19 Health and Safety**

Employees have a duty to take reasonable care of themselves and to cooperate with management under the Health and Safety at Work Act 1974. These responsibilities are identified in the school's Health and Safety policy.

Employees are required to act at all times in accordance with this policy and generally to act in such a way to take reasonable care of their own safety and that of others.

Any action which potentially puts at risk the health and/or safety of themselves or others will be viewed seriously and may be investigated under the disciplinary procedure. Employees and other individuals may also face criminal prosecution for breaches of health and safety legislation.

### **2.20 Attendance**

Employees' contracts of employment contain the main terms and conditions of their employment with the school.

Employees must follow the school's requirements for reporting absence due to sickness and for helping the school ensure that it has a record of all persons on the premises and of any approved overtime working.

It is expected that employees are available for work during the hours specified in their contract and take an unpaid lunch break.

### **2.21 Smoking**

The school is a non-smoking educational establishment

No-one is 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. In premises not controlled by the City Council, the governing body may determine a dedicated smoking area. In premises controlled by the City Council the governing body may determine a dedicated smoking area outside the main buildings provided that they undertake a risk assessment of the activity and location and consider providing bins for cigarette stubs. Governing bodies may also designate an area for the use of electronic cigarettes.

Smoking in contravention of the above may result in disciplinary action.

### **2.22 Dress**

There is a general expectation that dress will be appropriate to the nature of the duties and responsibilities of the job and to any health and safety considerations.

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 preferences with sensitivity ensuring that employees are free to observe them, subject to the needs of pupils' education. The school should not impose a dress code requiring all staff to follow a much higher level of modesty than is normally accepted within British society.

### **2.23 Identity Badges**

There is a general expectation that all employees issued with identity cards/badges will carry them at all times in school and when they represent the school and have them available for presentation or inspection when required. The school may also expect employees to wear identity badges in order to assist pupils and visitors.

### **2.24 Disciplinary, capability and grievance procedures**

The school has formal procedures for staff discipline, capability and grievances. The head teacher should ensure that these are made available to all employees.

### **2.25 Following Instructions**

Employees are expected to follow all reasonable and proper 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.
- They are in conflict with British Values as defined in law from time to time.
- There is good reason to believe that the instructions are improper, for example by conflicting with the safeguarding of children, the financial regulations or other aspects of the law.
- It does not comply with school policy and practice.

The head teacher, principal and 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 questions.

### **2.26 Internet Usage and electronic communications**

Internet Users **must not** on any school system knowingly display, access, use, extract, store, distribute, print, reveal or otherwise process any kind of image, document or other material which is sexually explicit, or contravenes any other aspect of the school's policy on electronic communications (e-safety). This activity would be a violation of the school's policies, particularly those relating to conduct and discrimination, and may lead to disciplinary action.

If access to sexually explicit or other inappropriate material is required for educational purposes, the head teacher must be notified in advance, giving a reason for the access.

Employees should apply the same standards to electronic communications as the school expects from other kinds of communication. They must not post comments, photographs, images or conversations on social networking websites which clearly brings the school into disrepute. Any electronic communications must include the correct use of privacy settings, in order to prevent members including the public, colleagues, parents and pupils seeing any personal information. They must also comply with the law, in particular laws on discrimination, data protection and protecting the health of employees. Employees must also follow any specific policy which the school may have set on the use of social networking websites and telephones, whether mobile or landline, whilst at work. They should be aware that defamatory comments or comments which infringe the Equality Act may be regarded as a disciplinary matter.

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