

Staff Code of Conduct

To be read in conjunction with the following DfE guidance:

- [Behaviour and Discipline in Schools](#), January 2016
- [Guidance for Safer Working](#), October 2015
- [Keeping Children Safe in Education](#), September 2018
- [Searching, Screening and Confiscation](#), January 2018
- [Use of Reasonable Force Advice](#), July 2013

Last amended 17.09.18 by Heather Watson

Reviewed and Approved by Chris Stafford March 2018
Reviewed and updated by Karen Dadds September 2018

Ratified by Trustees 12.09.18

Next review date September 2020

This policy has been reviewed in line with the 8 principles set out in the Single Equality Policy and an initial screening Equality Impact Assessment has been carried out.

Within this policy the term Headteacher refers to the Headteacher of the school and the term CEO refers to the CEO of the Twynham Learning Academy Trust (the Trust).

The governors of the Trust are charity trustees and company directors and for the purpose of this policy these terms are interchangeable.

This policy reflects the legislation at the time that it was last reviewed. Any changes in legislation will take precedence over anything printed in this policy.

To be read in conjunction with the national guidance: 'Keeping children safe in education, September 2018'.

1. Definition

- 1.1 References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all students, including those over the age of 18 years. 'Child' should therefore be read to mean **any student** at the education establishment.
- 1.2 References made to adults and staff refer to all those who work with children in an educational establishment, in either a paid or unpaid capacity.
- 1.3 The term 'allegation' means where it is alleged that a person who works with children has
 - behaved in a way that has harmed a child, or may have harmed a child;
 - possibly committed a criminal offence against or related to a child; or,
 - behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

2. Introduction

- 2.1 The Trust has a legal duty to create and maintain a safe learning environment for children. A staff Code of Conduct is a **mandatory** requirement as described in the DfE statutory guidance: 'Keeping Children Safe in Education 2018'.
- 2.2 The Trust seeks to provide a safe and supportive environment which secures the well-being and very best outcomes for children in our care. The following code draws together existing laws, regulations and conditions of service designed to protect the interests of staff and volunteers and the children with whom they work and this has been agreed following consultation with recognised trade unions and is recommended for adoption.
- 2.3 Staff should be aware that a failure to comply with this code could result in disciplinary action including dismissal.

3. Purpose and Scope

- 3.1 All staff and volunteers working in a school setting have a legal and moral duty to keep children safe and protect them from harm. Staff should ensure they do not put themselves in situations in which allegations of abuse or inappropriate behaviour could be made.
- 3.2 This code applies to all adults working in schools whatever their position, role or responsibilities.

- 3.3 All staff have a responsibility to be aware of systems within their school which support safeguarding, which should be explained as part of staff induction and through regular staff training.
- 3.4 The code should be read in conjunction with the relevant statutory and other guidance documents issued nationally or by the DfE and Home Office as well as other related Trust and school policies (see **Appendix 1** of this policy).
- 3.5 This code cannot cover every eventuality. Its purpose is to show the standard expected of staff but it does not replace the general requirements of the law.
- 3.6 All staff employed under Teachers' Terms and Conditions of Employment have a statutory obligation to adhere to the 'Teachers' Standards 2012' and in relation to this code, Part 2 of the Teachers' Standards - Personal and Professional Conduct which this code supplements.
- 3.7 It is recognised that the vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children in their care. Achieving these aims is not always straightforward, as much relies on child and staff interactions where tensions and misunderstandings can occur. This code aims to reduce the risk of that.

4. Core Principles

- 4.1 The welfare of the children is paramount.
- 4.2 Staff are responsible for their own actions and behaviour and should seek to avoid any conduct that would lead any reasonable person to question their motivation or intentions.
- 4.3 Staff should dress appropriately at all times for the tasks they undertake and ensure they promote a positive and professional image.
- 4.4 Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation.
- 4.5 Staff should not consume or be under the influence of alcohol or substances, including prescribed medication that may affect their ability to care for children.
- 4.6 Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct, prohibition from teaching by the National College of Teaching & Leadership (NCTL).
- 4.7 Staff and managers should continually monitor and review practice to ensure this guidance is followed and should understand their responsibilities to safeguard and protect children.
- 4.8 Staff should discuss and/or take advice promptly from their line manager or another senior member of staff over any incident which may give rise to concern.
- 4.9 Records should be made of any incident and decision made or where further actions have been agreed, in accordance with Trust and school policies and confidentiality.

4.10 All staff should know the school's Designated Safeguarding Lead and be familiar with local child protection arrangements, arrangements for managing allegations against staff, whistleblowing procedures and their Local Safeguarding Children Board (LSCB) procedures.

4.11 Staff should be aware of and comply with the Trust's financial and administrative regulations and any other procedure manuals.

5. Conduct and Behaviour

5.1 All staff who work in a school setting are in a position of trust in relation to individuals in their care and so must adopt high standards of personal integrity and conduct and behave in such a way that does not compromise their position both within and outside of the workplace or the safety and/or welfare of children and young people.

5.2 Staff should be aware that it is a criminal offence (Sexual Offences Act 2003: abuse of a position of trust) to engage in sexual activity with a student under the age of 18.

5.3 Teachers are expected to demonstrate consistently high standards of personal and professional conduct in accordance with the minimum professional Teaching Standards.

5.4 Staff should never make (or encourage others to make) unprofessional comments or use physical force as a form of punishment.

5.5 Staff should always adhere to the Trust's policies on Behaviour Management and Use of Reasonable Force, as documented within the Behaviour & Motivation Policy and the DfE guidance for schools "Use of reasonable force" published July 2013.

5.6 Headteachers and authorised staff may search pupils or their possessions in accordance with the DfE guidance for schools "Searching, Screening and Confiscation" published January 2018. Within the Twynham Learning Trust such authorisation is given to Headteachers, Deputy Headteachers and Assistant Headteachers, and to Heads of Year if they are accompanied by a member of the Senior Leadership Team. The guidance states that the search must be carried out by someone of the same sex as the pupil being searched, and that there must be a witness, if possible of the same sex. The only exception to this is where there is a reasonable belief that serious harm could be caused to a person if the search is not conducted immediately. In this situation it is acceptable to carry out a search of a pupil of the opposite sex and/or without a witness present, if it is not reasonably practicable to summon another member of staff.

5.7 Staff should not use any information obtained in the course of their employment for personal gain or benefit. Nor should they pass it on to others who might use it in such a way.

6. Equality Issues

6.1 All staff should adhere to the Trust's Equality Policy, in addition to the requirements of the law.

6.2 All adults and children within the Trust have a right to be treated at all times with fairness, equality and without discrimination.

7. Employment Matters

- 7.1 All staff involved in recruitment and selection processes should ensure that appointments are made on the basis of merit, without discrimination and in accordance with the Trust's recruitment and selection policy and procedure.
- 7.2 Any staff involved in tendering processes should ensure that these are made on the basis of merit.
- 7.3 No member of staff should be involved in any appointment or decision relating to discipline, promotion, or pay adjustments for any individual who is a relative or with whom they are in a close personal relationship.
- 7.4 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Headteacher or the Chair of Trustees (if the Headteacher).

8. Public Duty and Private Interest

- 8.1 Staff should not put themselves in a position where their duty to the Trust and their private interests conflict.

9. Other Employment/Private Work

- 9.1 Any external work undertaken must not bring the Trust into disrepute or conflict with the Trust's interest.
- 9.2 Any copyright created by a member of staff during their employment with the Trust becomes the property of the Trust.

10. Safeguarding

- 10.1 Staff have a duty to safeguard students from:
- physical abuse
 - sexual abuse
 - emotional abuse
 - neglect
- 10.2 The duty to safeguard children and young people includes the duty to report child welfare concerns to the school's Designated Safeguarding Lead (DSL),
- 10.3 Staff should be aware of and adopt the recommended procedures and best practice guidance outlined in the national Guidance for Safer Working Practice for those working with children and young people in education settings (October 2015).
- 10.4 Staff should be aware of and follow the statutory responsibilities outlined in Keeping Children Safe in Education, September 2018.

- 10.5 Staff should be aware of the risks to children from radicalisation and being drawn into terrorism as outlined in the Prevent Duty guidance.

Guidance for Safer Working Practice

- (i) This document will be used to support the Code of Conduct and as such may be referred to in any disciplinary proceedings.
- (ii) Staff should read this document in conjunction with this code.

Keeping Children Safe in Education

- (i) This document sets out the statutory duties schools must follow and includes guidance on mandatory reporting requirements. It is advised that this is read alongside **Working Together to Safeguard Children**.
- (ii) Staff should ensure they understand and are familiar with their responsibilities and where this includes mandatory reporting expectations they understand their role in locally agreed procedures for reporting, such as informing the Designated Safeguarding Lead.
- (iii) Staff should be aware of the personal reporting duty with regard to known cases of female genital mutilation (FGM). Supplementary to Keeping Children Safe in Education, staff can obtain further guidance in the '**Mandatory Reporting of Female Genital Mutilation – procedural information**' document.
- (iv) Staff should refer any concerns about another member of staff to the Headteacher, or if the concern is about the Headteacher to the Chair of Trustees or equivalent.
- (v) Staff should raise concerns of poor or unsafe practice or potential failures in safeguarding, using the Trust's whistleblowing policy.

Prevent Duty

- (i) Under section 26 of the Counter-Terrorism and Security Act 2015, staff must have 'due regard to the need to prevent people from being drawn into terrorism'.
- (ii) Staff should refer any concerns regarding radicalisation to the school's Designated Safeguarding Lead or a senior member of staff, following the Trust's normal safeguarding procedures.
- (iii) Relevant staff should understand when it is appropriate to make a referral to the Channel programme, a mechanism for schools to make referrals if they are concerned that an individual might be vulnerable to radicalisation.
- (iv) Staff should ensure they have undertaken some form of Prevent awareness training.

11. Data Protection and the General Data Protection Regulation (GDPR)

- 11.1 All staff should be aware of the increased data protection regulations and attend annual top-up training.
- 11.2 Staff should refer any concerns or questions to the Trust's Data Protection Officer, Hannah Plane, by email at hannah.plane@twynhamschool.com

- 11.3 Staff should be aware of the following guidelines to minimise the risk of a data breach:
- USB sticks, if used for work purposes, are not to be used to store personal student or staff data.
 - Personal email addresses must not be used for work-related tasks.
 - Laptops or PCs should be locked when unattended, both in school and off site.
 - Staff should have a secure password in place and not share this with others.
 - If it is necessary to print personal staff or student data, Secure Print should be used.
 - Personal data or registers in SIMS should not be projected onto whiteboards. Emails should also not be projected.
 - Personal data on paper that is no longer needed should be placed in Secure Waste bags, and not placed in the recycling.
 - If staff are asked to share data on staff or students with an external company, they should not do so without first having checked with the Trust's DPO or the Data Office.
 - A clear desk policy is in operation across all sites. Personal information must be locked away at the end of every day.
 - Staff should not use photographs of students without checking the permission provided by the parents. In the case of Sixth Form, the student themselves can give permission. All photographs should be deleted once their purpose has been served.

- 11.4.1 Staff appreciate the need to report promptly the loss of their laptop, markbook, USB stick or anything else in their possession which contains personal information on students and staff.

12. Financial inducements, gifts, hospitality and sponsorship

- 12.1 Staff should not seek or receive preferential rates for themselves by virtue of their dealings on behalf of the Trust.
- 12.2 Staff should ensure that gifts received over the value of £30 are declared to the Executive Business Manager.
- 12.3 Where staff provide gifts they should ensure they are of insignificant value and given to all children equally.

13. Use of School Time and Facilities

- 13.1 The Trust's property and facilities (e.g. stationery, computers, photocopiers, mobile phones) may only be used for Trust business unless permission for their private use has been granted.

14. Publication of Books/Articles

- 14.1 Staff must consult with the Headteacher before publishing books, articles, letters, dissertations etc. where they are described as holding an appointment within the Trust.

15. Disciplinary Action

- 15.1 All staff should be aware that a failure to meet these standards of behaviour and conduct may result in disciplinary action, including dismissal.

APPENDIX 1

Policies and other documents to be considered and read in conjunction with the staff code of conduct (listed in alphabetical order)

Policy/Procedure/Guidance
Allegations of abuse against staff
Behaviour & Motivation Policy
Child Protection Policy
Data Protection Policy
Drugs and Drugs Abuse Policy
Equality Policy
Guidance for Safer Working Practice* national guidance for those working with children and young people in Education Settings. Link: http://www.safeguardingschools.co.uk/wp-content/uploads/2015/10/Guidance-for-Safer-Working-Practices-2015-final1.pdf
Health and Safety Policy
Intimate Care Policy
Keeping Children Safe in Education*- DfE statutory guidance https://www.gov.uk/government/publications/keeping-children-safe-in-education--2
Mandatory Reporting of Female Genital Mutilation procedural information* Link: https://www.gov.uk/government/publications/mandatory-reporting-of-female-genital-mutilation-procedural-information
Prevent Duty Guidance* Link: https://www.gov.uk/government/publications/prevent-duty-guidance
Online Safety Policy under development June 2017, to replace Social Networking & Internet Acceptable Usage Policy
Recruitment and Selection Policy
Social Networking & Internet Acceptable Usage Policy, to be replaced by Online Safety Policy when ratified
Staff Discipline Policy
Whistleblowing Policy

*It is expected that staff will adhere to the statutory duties and/or best practice outlined within these documents as applicable to their role and responsibilities.

Equality Impact Assessment – Initial Screening Record

1. What policy is being reviewed?	Staff Code of Conduct
2. Upon whom will this impact?	Members of Staff

3. How would the work impact upon groups; are they included and considered?

The Equality Strands	Negative impact	Positive impact	No impact
Minority ethnic groups			√
Gender			√
Disability			√
Religion, faith or belief			√
Sexual orientation			√
Transgender			√
Age <small>(N/A to pre-school and school children)</small>			√
Rurality			√

4. Does data inform this work, research and/or consultation, and has it been broken down by the equality strands?

	NO	YES	Uncertain
Minority ethnic groups	√		
Gender	√		
Disability	√		
Religion, Faith or belief	√		
Sexual Orientation	√		
Transgender	√		
Age	√		
Rurality	√		

Does the initial screening highlight potential issues that may be illegal? NO

Further comments:-

Do you consider that a full Equality Impact Assessment is required? NO

Initial screening carried out by Staffing Committee
Signed by Julian Burton, Chair of Committee, 3rd February 2015 and reviewed
by Staffing Committee June 2018

Comment by Headteacher: