



The Federation of Cherry Oak and Victoria Specialist Arts College

Teachers' Conduct Policy 2017

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1. General Principles

All employees in the federation are expected to behave professionally.

All employees are expected to comply with the law as it applies to their work in the federation, 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 recognised trade unions about the adoption or variation of its policies and procedures and associated guidance. It expects the Executive Headteacher to consult staff and unions as appropriate in relation to the general management of the federation.

2. General Expectations

2.1 Application and Intent

Teachers' will be expected to act in accordance with the Teachers' Standards. This guidance helps federations interpret Part Two of those standards.

2.2 Personal Interest

Employees should act professionally. They should not abuse their position in the federation 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 federation.

Employees should not use their position across the federation 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 federation about a personal interest which might compromise or be seen as compromising their position in the federation. If in doubt about what should be declared they should seek advice.

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

- Situations in which the employee's job (for example, as Executive Headteacher or business manager) could unduly influence decisions on contracts into which the federation 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 federation 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 federation, 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 federation 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 federation 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 Federation which maintains the Federation or to have an interest in its decisions.

The receipt of minor articles, often by way of trade advertisements, as unsolicited gifts for the federation 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 Executive Headteacher or Line Manager before accepting any gifts or hospitality offered. In relation to his or her own position the Executive Headteacher should seek guidance from the governing body (or a 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 federation purchases the Authority's services) or from the relevant auditor retained by the federation.

Employees should also take advice before making any gifts to external organisations, or to the employees of such organisations, which either provide services to the federation 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 federation 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 Executive Headteacher for determination by the federation.

Where the federation or parties to the federation, 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 federations) (or the financial rules applying to the Academy Trust where applicable), so that there is no improper benefit to the federation or its governors, pupils and employees, including any partner, spouse or relative of any governor, pupil or employee of the federation 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 federation'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 federation, 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 federation if they are uncertain as to whether or not the information can be passed on to the person or organization. The federation, as data controller in law, is responsible for ensuring that the necessary guidance on the federation'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 federations 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 federation 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 federation's policy on the Act, and take advice. Information on whistle-blowing can be found at Public Concern at Work and on the Federations HR Portal.

2.8 Dealing with Federation Money

Employees must ensure that public funds are used in a responsible and lawful manner and in compliance with the federation's procedures, which in maintained federations must follow the City Council's standing orders and financial regulations, including the Federations Financial Values Standard (and in academies must follow the Government's funding regulations for academies and the financial rules of the academy trust).

2.9 Criminal Charges and Convictions

An employee must notify the Executive Headteacher 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 Executive Headteacher or principal is the subject of the charge he or she must inform the Chair of Governors (in a maintained school) or the Academy Trust (in the case of an academy). Depending on the circumstances failure to inform may result in disciplinary action.

The federation 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 federation 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 federation 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 federation.

The provisions of the Working Time Regulations are covered by the provisions of the Federation Teachers' Pay and Conditions Document.

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

Employees in any doubt should ask the federation 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 federation. Unless otherwise agreed, employees cannot exploit the rights to any such thing without written permission from the Executive Headteacher or principal.

The Executive Headteacher or principal may agree to the federation collaborating with other federations to create or invent intellectual property to be shared with other federations.

Employees may use and print one copy of items which are the federation'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 federation without the permission of the Executive Headteacher and they should be returned to the federation 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 federation unless specifically authorised to do so by the Executive Headteacher or principal. Where requests for comments are received they must be passed on to the Executive Headteacher or principal, who may then wish to seek advice from the City Council's press office.

Employees should not publish any material which brings the federation 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 federation then the article should not link them to the federation.

2.13 Equipment and Materials

Employees must not use the equipment and premises of the federation, 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 federation 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 federation. 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 federation provided that this does not interfere with the work of the federation and subject to payment for the materials used.

2.14 Political Restrictions

The legislation on political restrictions specifically exempts head teachers or principals of federations, 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 federation will not concern itself with the political, philosophical or religious beliefs of individuals. Employees who breach the relevant provisions of the Teachers' Standards, whether by reason of their beliefs or otherwise, may be subject to investigation under the disciplinary procedure.

Employees may not display party political posters, including party political election material, in the federation, 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 federation is committed to the promotion and implementation of equal opportunities both internally and externally.

The federation 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 federation 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 federation, 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 federations, 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 federation with an applicant. If a Executive Headteacher or Principal has a personal relationship outside federation 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 federation 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 federation 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 federation will not accept employees arriving at work under the influence of alcohol or illicit drugs and whose ability is impaired by reason of the consumption of alcohol or illicit drugs or who consume alcohol in contravention of the federation's policy on the consumption of alcohol or take illicit drugs on the federation premises. They should also have regard to the expectation that they will not bring the federation into disrepute. The federation 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 federation's reputation than are complaints about the employee's abuse of alcohol.

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

The governing body's alcohol policy recognises that alcoholism and other addictions are illnesses and that employees should be offered appropriate support through the Managing Attendance procedure. Federations 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 federation 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 federation 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 federation'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 Federation.

Employees must follow the federation's requirements for reporting absence due to sickness and for helping the federation 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

Birmingham City Council and the school(s) in our Federation are non-smoking establishments.

You are not permitted to smoke anywhere, in any of the Federations or the Council's buildings. Smoking is not permitted in any school vehicles. There is no designated smoking area provided within Federation premises. Smokers need to be at least 30 metres away from any school entrance and should dispose of their cigarette related litter appropriately.

Smoking whilst on City Council or Federation premises may be subject to 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 federation 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 federation should not impose a dress code requiring all staff to follow a much higher level of modesty than is normally accepted within British society.

At our federation clothing should be smart and practical. Modesty should be considered at all times bearing in mind the physical nature of the job. Closed footwear must be worn at all times. (See manual Handling Policy). Shorts and vests or strappy tops are not permitted as shoulders must be covered. Jewellery should be kept to a minimum.

Logos, writing and/or pictures which may be deemed offensive or inappropriate should not be worn.

2.23 Identity Badges

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

2.24 Disciplinary, capability and grievance procedures

The federation has formal procedures for staff discipline, capability and grievances. The Executive Headteacher 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 federation 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 federation policy and practice.

The head teacher, principal and managers within the federation must be able to justify their instructions and decisions in line with their delegations, authority, and federation policy and procedures, and be open and respond promptly to questions.

2.26 Internet Usage and electronic communications

Internet Users **must not** on any federation 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 federation's policy on electronic communications (e-safety). This activity would be a violation of the federation'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 Executive Headteacher or principal must be notified in advance, giving a reason for the access.

Employees should apply the same standards to electronic communications as the federation expects from other kinds of communication. They must not post comments, photographs, images or conversations on social networking websites which clearly brings the federation 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 federation 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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