



**CHESHIRE WEST AND CHESTER COUNCIL  
SCHOOLS HR**

**CODE OF CONDUCT FOR SCHOOL EMPLOYEES**

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This Code applies to all staff directly employed by the school, including Headteachers.

**NB** When applying the Code to a Headteacher, the words “Chair of Governors” should be substituted for the word “Headteacher”, throughout the Code.

Each section of the Code is in two parts. The first part is the formal Code provision, giving a concise statement of the requirements. The second part (in italics) offers guidance on the application of the Code. Both parts carry equal weight.

## Section 1 - INTRODUCTION

Cheshire West and Chester Council seeks to maintain the highest standards of integrity and fairness in all its activities. The Code is issued with the aim of measuring and enhancing the Council's reputation. Although inevitably it must contain many restrictions, it is intended as a positive reinforcement of long standing and respected values within the public services, and particularly local government. It is applied in the spirit as well as the letter.

The Code provides positive guidance and encouragement for staff, in whose common sense, vigilance and judgement the School/Council has the strongest confidence. In this way, the School/Council will continue to ensure that:

- The highest standards of service are provided to everyone who has contact with the School/Council.
- Public duty always takes precedence over private interests and conflict of interest between the two is always avoided.
- The community and everyone within it receive efficient, impartial and fair service and no person or group is discriminated against unfairly.
- Public funds are used in a responsible and lawful way and the community receives the best value for money.
- Any failures to meet these standards are detected and decisive action taken to remedy the situation and prevent recurrence.

This document is a slightly modified version of the Code for all Council employees. Whilst school staff are largely under the control of the Headteacher and Governors of the school, they remain employees of the Council and thus subject to the requirements of Council policy in this respect. Furthermore, as local government officers they are subject to the law in respect of disclosure of pecuniary and non pecuniary interests. The Code is expected to form a part of the terms of employment of all school staff, including Headteachers, but excluding employees of Catering and Cleaning, **who are subject to the Council's Code**. Any infringement of this or any related Code may be dealt with as a disciplinary matter and may be treated as gross misconduct. Legal action may also be taken.

This Code should be read in conjunction with the other Standards of Conduct that exist, including the Bribery Act Policy. It is important to note that breaches of some of the Standards within this Code may also be a breach of the Bribery Act and may result in a criminal offence. Staff who belong to professional associations are expected to apply the standards of their associations no less vigorously than those of this Code. *Teachers may also be subject to any rules of the General Teaching Council.*

## **Section 2 – CORE PRINCIPLES**

The following core principles underpin the concept of public service and apply to all employees of the Council regardless of the nature of the job they do.

### **SELFLESSNESS**

Employees should take decisions solely in the terms of the public interest. They must not do so nor use their position in order to gain financial or other material benefits for themselves, their family or their friends.

### **INTEGRITY**

Employees should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in the performance of their official duties.

### **OBJECTIVITY**

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, employees must make decisions on merit.

### **ACCOUNTABILITY**

Employees are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **OPENNESS**

Employees should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

### **HONESTY**

Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **RESPECT FOR OTHERS**

Employees must treat other people with respect and not discriminate unlawfully or unfairly against any person. They must treat Councillors and other co-opted members of the authority professionally.

### **TRUST**

Employees must, at all times, act in accordance with the trust that the public is entitled to place on them. Employees must use any public money or service users' money entrusted to or handled by them, in a responsible and lawful manner and not make personal use of the Council resources unless properly authorised to do so.

### **LEADERSHIP**

Employees should promote and support these principles by leadership and example.

### **Section 3 - CONCERNS AND CONFIDENTIAL REPORTING**

The School/Council expects the highest possible standards of openness, probity and accountability. Hence employees who have serious and genuine concerns about any aspect of the School's/Council's work and relationships, should be able to come forward and raise their concerns, without fear of harassment or victimisation.

Employees who consider other employees to be guilty of misconduct must report this to their Line Manager. Employees must not treat colleagues who report (or who intend to report or are suspected of reporting) potential misconduct issues any less favourably than other employees.

If in some instances, the employee cannot make use of the existing procedures, for any reason, then they should raise complaints or genuine matters of concern with the relevant person through Whistle-blowing Protocol as outlined in the Constitution.

## **Section 4 - DISCLOSURE OF INTERESTS AND MEMBERSHIPS**

Employees must disclose any financial or non financial interest they or their spouse have, whether direct or indirect, in any contract, company, other public body or any other matter that involves or may involve the School/Council. Failure to disclose may be a criminal offence. The definition of an interest is widely interpreted.

### **Guidance**

*The existence of 'quangos' and the potential for the involvement of staff in their activities, is an example of an area where an employee may inadvertently fail to register an interest. (This is probably necessary because fees are received and/or because the School/Council may have an involvement with the organisation.) Hence every employee must consider carefully whether for any activity or organisation in which they are involved, they should make a declaration. This will include membership of, for example, other local authorities, school governing bodies, community action groups and NHS trust boards. All employees will be reminded annually, through the appraisal process or in some other way, to consider whether they have anything to declare.*

### **Financial (pecuniary) interests**

*All employees (including teachers) are required by law (Local Government Act 1972, section 117) to disclose any personal financial interest, whether direct or indirect, in any contract in which the School/Council is involved or is considering. Disclosure is still required even if the contract does not affect the employee's work, or even the work of the employee's school/service. If the spouse of an employee has an interest, it must be disclosed as if it were the employee's. The law therefore requires that if an employee or their spouse, receives "remuneration" from a "firm", this is an interest which must be disclosed.*

*"Remuneration" includes not only pay and fees, but also all other payments such as commission, honoraria, dividends, agency fees and interest. The expression "firm" includes both companies and businesses and all organisations (including other schools/local authorities) and even individuals.*

*Staff should consider carefully their position to avoid a conflict of interest. This may apply where either there is a direct pecuniary interest but no contract, or if they, or their spouse, is receiving remuneration from a firm which is dealing with the School/Council.*

*The only exception to the legal requirement to disclose a pecuniary interest, is where the interest is so distant or small that no ordinary, right thinking person would expect it to influence an employee who might have dealings with the firm concerned. In this case it need not be disclosed. The most common example is a modest shareholding in a large public company, even if the School/Council has or may have dealings with the company.*

## **Non financial interests**

*The Code also covers other interests that staff are not, unlike financial interests, required by law to disclose. Such non-pecuniary interests may however occur through employee involvement in organisations that have significant dealings with the School/Council and this includes being a member of another local authority. A conflict of interest may therefore arise even where no financial interest or advantage exists. These are areas where relationships might be seen to influence judgements and convey the impression of a personal motive. Some staff, for example, undertake voluntary work as honorary officers of charities or community organisations. If the organisation seeks grant aid or other help from the School/Council, the employee would be well advised to declare the interest.*

## **General Principles**

*An interest should be disclosed whether or not the employee is able personally to influence a contract or other dealings with the School/Council. If an employee is, or could be, in a position to influence such matters, as well as disclosing the interest, the employee should also discuss the position promptly and fully with their Headteacher. The Headteacher will decide what further steps to take for the School's/Council's and the employee's protection. Where there is no such complication, the only requirement is to disclose. There will be borderline cases in which employees are uncertain whether to disclose or not. The safe course in case of doubt or uncertainty is to err on the side of caution and disclose.*

*Support Staff with approved other employment (see Section 14) should note that any activity of the employment involving contact with the School/Council, automatically creates an interest which must be declared. Just getting approval to the other employment may not be sufficient in itself to satisfy the requirements of the law, the Code or propriety.*

*Where any other employee (including teachers) or manager has any reason to believe that an interest has arisen or is likely to do so and it has not at that point been disclosed, the Headteacher should be notified immediately. They should specify the action to be taken. It is however the responsibility of the employee concerned to ensure that accurate information is provided for the Register when required and that this is updated as necessary.*

## **How to disclose**

*To disclose an interest, the employee should complete a copy of the form at the end of the Code and send it to their Headteacher. The Headteacher should acknowledge in writing receipt of the form and enter it in the school's official Register of Interests. The Register is not open to public inspection.*

## **Section 5 - PRIVATE AND PERSONAL INTERESTS**

An employee must not allow the impression to be created that they are using, or could use, their official position to promote a personal or private interest, contrary to the general public interest. Private and personal interests can include those arising from an employee's family and friends, as well as those through personal membership of, or association with, clubs, societies and other organisations. An employee should consider whether any particular interest conflicts with, or gives the impression of conflict with, official responsibilities. If so, it is advisable for the interest to be declared formally.

*Staff will have rights as citizens and service users, but must behave in a way which gives no grounds for accusations of favouritism or unduly influencing the Council, members or colleagues. Staff should avoid any conduct, which could give rise to suspicions of impropriety or acting inappropriately to benefit themselves, family or friends.*

*If staff are lobbying or seeking advice or support from a council member as a resident or in another private (non-work) capacity they should consider informing the member that they work for the Council and that they are approaching them in their personal capacity.*

## **Section 6 – RECRUITMENT**

Employees involved in appointments should ensure these are made on merit. It is unlawful for an appointment to be made on any ground other than the ability of the candidate to do the job required.

### **Guidance**

*Recruitment and selection processes place a wide range of employees in a position where they may be able to influence decisions. Staff involved in staff selection must be specifically trained to ensure that candidates are selected strictly on their ability to do the job required. Regard must also be paid to all equal opportunities law and the School/Council's policy. Any suggestion that other considerations are being applied (either for or against candidates) must result in the member of staff concerned being removed from the selection process immediately and the situation investigated.*

## Section 7 - GIFTS AND FAVOURS

This section applies to all gifts other than very modest, low value gifts or other tokens of very low value. These are not subject to any of the declaration or approval provisions.

It is a serious criminal offence for an employee to receive corruptly a gift (this term covers a range of favours) or benefit in other ways for doing, or not doing, anything for another person. If an allegation is made, it is for the employee to show that any rewards have not been corruptly obtained. If a gift is offered or received, the employee must consider whether it is acceptable within the terms of this Code. If s/he considers it may be accepted, the gift should be declared on the special form (attached at the rear of the Code). If s/he rejects the gift, this should be done diplomatically and the situation declared on the special form. If the employee is unsure, a request for the Headteacher's decision should be made on the special form.

Headteachers must not provide gifts to suppliers or contractors (other than very modest, low value gifts or other tokens of very low value).

Headteachers must retain a copy of every request / declaration form which they consider, in a special Gifts/Hospitality file. The file should be kept available for inspection by Internal Audit at any time.

### **Guidance**

*The offer of personal gifts or special favours may be associated with suppliers and contractors but other circumstances may apply in which a gift could be offered. There are two considerations where gifts (or favours) are concerned: 1. the nature of the gift and its value; 2. the motivation of the giver. Most firms, as part of their normal commercial activity, distribute gifts which range from the promotional (e.g. calendars, diaries) to the more expensive (e.g. wines and spirits). The latter are obviously distributed where the giver feels they will have the greatest impact. In general, gifts should be refused. The main exception to this requirement is modest promotional material of very low value such as calendars, diaries and pens, that may well be unsolicited. Even here however, staff should use their judgement. Headteacher's guidance should be sought in the case of more expensive promotional items and approval sought on the special form if necessary. Other types of gift may, of course, be offered with more covert motives. These must never be accepted.*

*Where a gift is returned or refused, this should not be done in a way which the donor might regard as impolite or as being unduly critical of what may be normal practice in other organisations. A gift that is returned or refused must be formally declared on the special form. Exceptionally, a modest, unsolicited gift might be retained, where the giver's motives are well meant and refusal could be seen as impolite or offensive. The gift must be declared on the special form. It is sometimes acceptable to the giver of a gift, which in other circumstances would be refused, to agree to donate it (or equivalent cash value) to charity. Prior approval should be obtained to such an arrangement. Use the special form.*

## Section 8 - HOSPITALITY

Employees should only consider offers of hospitality if there is a genuine need to impart information or represent the school/local authority in the community (especially where the School/Council should be seen to be represented). Hospitality is likely to be acceptable where it is clear that the invitation is corporate rather than personal – but always provided there is no danger of contractual or other decisions being compromised. Offers aimed directly at employees as individuals must always be refused. All offers of hospitality must be authorised in advance by the Headteacher.

Headteachers must retain a copy of every request form which they consider, in a special Gifts/Hospitality file. The file should be kept available for inspection by Internal Audit at any time.

### **Guidance**

*An offer of hospitality is a matter of judgement. The motivation of the person or organisation offering the hospitality will always be relevant as will the context. In many cases offers are innocuous and well meant, e.g. modestly priced tickets for a concert or play offered corporately. It is where an offer is directed at the individual in a personal capacity – and possibly covertly – that the situation is very likely to be unacceptable and could bring the School/Council into disrepute.*

*Special caution is needed if the host is seeking to do business with the School/Council or to obtain a favourable decision. Employees should be particularly sensitive to the timing of an offer or invitation in relation to School/Council business, e.g. contract processes. When a particular person or organisation has a matter currently in issue with the School/Council (e.g., an arbitration arising from a contract or an industrial development proposal), an offer of hospitality must be refused even if in normal times it might be acceptable.*

*It is generally more acceptable to join in hospitality offered to a group, rather than to accept something directed at the individual. Where hospitality has to be declined, this should be done courteously but firmly, referring directly to the School's/Council's standards and expectations.*

*All offers of hospitality are subject to advance approval from the Headteacher.*

*The following are generally acceptable (where the individual is representing the School/Council):*

- *Working lunch of a modest standard (say at a conference or to allow business discussions to continue).*
- *Society or institute dinner or modest function.*
- *Company anniversary celebration.*
- *Cultural or sporting occasion 'sponsored' by the company.*
- *Where the School/Council pays for attendance at the event, e.g. for inspection of equipment.*

- *Official opening.*
- *Tickets for a play or concert*

*These are generally unacceptable:*

- *Holiday (e.g. Where an employee organises a school visit and, as a consequence, s/he receives a free/discounted holiday. NB The position in relation to formal educational visits is different e.g. where an employee is requested by the school to make an exploratory visit)*
- *Hotel accommodation (see above).*
- *Use of company flat or hotel suite (see above).*

## **Section 9 - SPONSORSHIP**

Where an outside organisation wishes to sponsor a school/local government activity, whether by invitation, tender, negotiation or voluntarily, the Code requirements concerning acceptance of gifts or hospitality apply. Where the School/Council wishes to sponsor an event or service, neither an employee nor any relative or partner must benefit from the sponsorship in a direct way, without there being a full disclosure of the terms. Similarly, where the School/Council through sponsorship, grant aid, by financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **Section 10 - TENDERING, CONTRACTS, TRADING**

All relationships of a business or private nature with external contractors or potential contractors must be disclosed as an interest. Orders and contracts must be awarded on merit, by fair competition against other tenders. No special favours should be shown to businesses run by, for example, friends, partners or relatives and no part of the local community should be discriminated against. Any employee who has any official role in relation to contractors and has or had a relationship in a private or domestic capacity with the contractor must declare the relationship to the Headteacher as an interest.

Employees involved in a tendering process and dealing with contractors should be clear on the separation of client and contractor roles. Headteachers/Chairs of Governors who have both a client and contractor responsibility must be aware of the need for accountability and openness. All employees in contractor or client units must exercise fairness and impartiality when dealing with customers, suppliers, other contractors and subcontractors. Staff who are aware of confidential information on tenders or costs for external or internal contractors should not disclose that information to any unauthorised person.

Headteachers/Chairs of Governors must ensure that no special favour is shown to current or recent former employees or their relatives or associates in awarding contracts to businesses run by them or employing them in any way. Staff should only trade on special terms with firms connected with the School/Council

if a general arrangement has been agreed between the firm and the School/Council (or a trade union). Staff must not use their position with the School/Council to obtain preferential terms from any firm.

### **Guidance**

*Individuals should be extremely cautious when using the services of firms that they know to have dealings with the School/Council. Goods or services for private use may be bought from firms trading with the School/Council providing the price offered is readily available to the public. They may be bought on special terms if the School/Council or a trade union has an agreement with the firm to this effect and the terms are available to all staff.*

*Where an employee has good reason to believe that an offer of preferential terms for goods or services may be a specific inducement to promote a firm's interests, they should not use that firm. Neither, of course, should any employee use their employment with the School/Council to obtain preferential terms (unless part of general arrangements mentioned above).*

*Staff should avoid contact with firms engaged in 'pressure selling' where inducements and discounts are offered in return for orders. An employee facing this situation must report the facts to their Headteacher immediately. To help avoid a complaint of restraint of trade and unfair discrimination against any particular firm, staff involved should always explain, diplomatically, the dangers to both parties inherent in such preferential offers.*

## **Section 11 - POLITICAL REQUIREMENTS**

Employees who work with elected Members (i.e. Councillors) must serve the interests of all elected Members and not only those of the controlling group(s). The individual rights of all Members must be respected. If called upon to advise political groups, staff must do so in ways which do not compromise their political neutrality and in ways which respect any School/Council political conventions. Employees must follow every lawfully expressed policy of the School/Council and must never allow their own personal or political opinions to interfere with their work. Employees who are also members of other local authorities must be particularly careful to remain politically neutral because their political persuasion will probably be commonly known. Staff who are by law 'politically restricted' must observe the restrictions imposed.

### **Guidance**

*The Local Government and Housing Act 1989 includes provisions to reinforce the political impartiality of certain local government employees. The Act established the principle of the "politically restricted post" (PoRP). Only employees who are "politically free" i.e. who are not in a PoRP, can stand for election or engage in the range of political activities specified in the Act and regulations.*

*Politically Restricted Posts are categorised as follows:*

**Category A: Posts specified in the Act.** This includes the Chief Executive, Directors and Department Managers and a range of jobs listed under Section 100 G(2) of the Local Government Act 1972, as being employees to whom powers are delegated.

**Category B: Posts restricted by remuneration level.** This covers all employees whose remuneration is at or above the level of NJC pay point 44. (Remuneration covers both base pay and any other regular payments. It is the remuneration of the individual occupying the post which matters, not the grade for the job.)

**Category C: Posts which are specified by the Council as politically sensitive** either because the holders give advice on a regular basis to the Council or committees, or because they speak on behalf of the Council on a regular basis to journalists and broadcasters.

*(NB Teachers based in schools are exempt from the political restrictions in the Act - but not from certain other requirements under s29(4) of the Employment Protection (Consolidation) Act 1978. They include an employee's entitlement to reasonable time off for public duties and a restriction which prevents any local government employee from being appointed to the employers' side of any body (at national, provincial or local level) responsible for negotiating the terms and conditions of employment of local government staff. Further information can be obtained from Schools HR).*

*The register of PoRPs is maintained by HR. Any employee who occupies or is appointed to a PoRP is notified in writing.*

*An employee who occupies a PoRP within Category B or Category C may apply to the national Independent Adjudicator for exemption from the list. The employee should ask Schools HR for help with making the application. The procedure is different for each PoRP category. There can be no exemption for an employee in Category A.*

*The requirements of the Act are deemed to be incorporated within the terms of employment of all employees (but see the paragraph about regarding teachers). An employee whose job is included in the list of Politically Restricted Posts must not stand for election to a local authority or engage in any form of political activity prohibited by the Act or regulations. The restriction in respect of membership of a local authority does not apply to parish and community councils but candidates must observe all other restrictions. 'Political activities' includes the following, but others not mentioned may be relevant and employees should always take further advice before engaging in any activity which could be covered by the Act or regulations.*

- *Standing as a candidate for the House of Commons; European Parliament; or local authority other than a parish/community council.*
- *Being an officer of a political party or any branch of a party or a member of*
- *any committee or sub-committee of a party, if the duties would be likely to require participation in the general management of the party/branch or*

- acting on behalf of the party/branch in dealings with persons, other than members of the party or an associated political party.*
- *Canvassing on behalf of a political party or on behalf of a person who is or proposes to be a candidate for election to one of the bodies mentioned above.*
- *Public speaking with the apparent intention of affecting political support for a political party.*
- *Publishing, or cause, authorise or permit the publication of, any written or artistic work of which they are the author (or joint author) or any written work or collection of artistic works in relation to which they have acted in an editorial capacity. (This does not preclude the display of a poster or other document on property occupied by the employee as his dwelling or on a vehicle or article use by them.)*

*(Nothing in these restrictions precludes an employee from engaging in the activities mentioned, as far as this is necessary for the proper performance of official duties.)*

*Failure to observe the requirements of the Act or regulations, falls to be considered under the appropriate Disciplinary Procedure as misconduct or gross misconduct, and will be dealt with accordingly.*

## **Section 12 - PUBLIC COMMENT AND DISCLOSURE OF INFORMATION**

Staff acting in a private capacity should not comment publicly on School/Council policy or a specific matter, unless this is being done as the recognised representative of an external body.

Governing Body/ Council agenda/minutes or committee discussions taken under part 2 of an agenda or the proceedings of any panel or board must not be disclosed to anyone outside the School/Council unless, exceptionally, authority has been given by the Headteacher, in relation to the Governing Body or a senior manager (a manager paid in the PM grades or above) in relation to the Council. The onus is on the Headteacher/senior managers to make sure staff are aware of the status of information and are clear what may be released, when and to whom.

Because some staff will have contact with the public about Governing Body/Council committee proceedings as part of their normal duties, the Headteacher should decide which employees are authorised to disclose and/or discuss information. Information or situations should not be disclosed to or discussed with the media unless the employee has specific authority from the Headteacher in relation to the school or a senior manager in relation to the Council.

Information about work which is confidential should not be used for personal gain or benefit or knowingly be passed on to others who might use it in this way.. Employees who are also members of other local authorities should pay specific regard to the requirement for confidentiality. Particular information received from a Governor/Elected Member that is personal to the Governor/Elected Member and does not belong to the School/Council should not be divulged without the approval of

the Governor/Elected Member.

Commercially sensitive information must be completely safeguarded and must not be communicated to people who are not entitled to know it, especially if they are outside the School/Council. The School/Council expects ex-employees to honour the same commitment for an appropriate period after leaving.

School/Council information must be acquired, used and safeguarded in accordance with the requirements of the Data Protection Act.

### **Guidance**

*Staff should not comment publicly in a personal capacity on the School's/Council's affairs. In any circumstances where staff have to make public comments they should be prudent, discrete and properly recognise that the School/Council is their employer. Personal comment may be made in exceptional cases, where, for example -*

- *Employees are recognised trade union officials i.e. branch officers or stewards and may issue a statement on behalf of their trade union, commenting on a matter relating to the School/Council.*
- *Staff act as officials of external bodies such as parish councils, community associations and parent teacher associations. In these cases, it is best if the views expressed are those of the external body and not those of the individual acting on behalf of the body.*

*Politically restricted staff (see Section 11) must be particularly careful not to infringe the restrictions on their activities.*

*All staff should be circumspect in what is said outside their workplace about any internal matters, and within the workplace about internal matters which are confidential e.g. Part 2 committee papers.*

*Advance knowledge of any impending School/Council decision, particularly if relating to investment decisions or proposed developments, should not be used to help private interests.*

*The increasing commercialisation of services makes the confidentiality of information even more important. Carelessness could mean the loss of a contract and put the wellbeing of services and jobs at risk. The greatest care must be taken with commercially sensitive information and if there is any doubt about whether information is sensitive or whether or not it may be disclosed in a particular situation, the employee must check with a senior manager.*

*The provisions of the Data Protection Act 1984 (governs and advises on how information should be acquired, used and safeguarded) must be observed.*

## **Section 13 - RELATIVES AND RELATIONSHIPS**

There is a general obligation on all employees not to compromise standards of behaviour, conduct or performance through personal relationships.

Mutual respect between employees and *school* Governors/elected Members is essential to good local government. Close personal familiarity between employees and Governors/elected Members can damage the relationship. You must be professional at all times and not allow your work and private interests to conflict. Every applicant for an appointment must disclose, before appointment, any personal relationship to a school Governor, elected Member or employee of the Council. Deliberate non-disclosure will disqualify the applicant and if already appointed they may be liable to dismissal. An existing employee who is aware of a relationship with an applicant must declare the details to the Headteacher (or Chair of Governors in the case of a Headteacher) or appropriate manager of the service making the appointment.

Any canvassing of Governors/elected Members or other employees to influence a selection decision will disqualify the candidate concerned. An employee must not attempt to influence or be involved directly or indirectly, in any part of a recruitment and selection process that includes an applicant who is a relative or someone with whom they have a close personal relationship. Similarly, an employee should not be involved in decisions relating to discipline, terms of pay for any other employee who is a relative or with whom they have a close relationship.

If the best candidate for the job is someone who is a relative of or who has a close personal relationship with individuals in a line management or contractual relationship, the Headteacher (or Chair of Governors in the case of a Headteacher) will give serious consideration to the implications of this. They will need to identify appropriate means of dealing with conflicts of interest should these occur as a result of the appointment. There may be some circumstances when such an appointment is not appropriate because it is not possible to deal with the organisational problems that occur and because the public confidence would be compromised and could leave the school/Council open to criticism.

### **Guidance**

#### ***Relationships***

*The employment of relatives and people having a close personal relationship within the school/Council leaves open the possibility of conflicts of interests and loyalties. Where these difficulties do or could occur, management is that much harder and personal distress may be caused. There is also the risk of public confidence being undermined, other staff being embarrassed and the delivery of services affected.*

*There is a wide range of situations in which relationships can exist. In most cases, relationships do not cause difficulties, for example because the individuals are well separated by distance or job type. Nevertheless, there will always be a potential for problems and this should be borne in mind when appointments are being considered*

*or where existing staff are involved.*

*No candidate should be rejected for appointment solely because of potential problems through a personal relationship, although the problems that may occur must be openly discussed with them.*

*The school/Council trusts employees to act responsibly and ensure that personal relationships (both formal and informal) will not influence or prejudice the proper conduct of business or bring the school/Council into disrepute.*

*Headteachers/managers must however appreciate the risk, avoid creating potential difficulties and deal realistically and firmly with situations that arise. If a situation gives cause for concern, the Headteacher/manager must first satisfy themselves that the grounds for pursuing the matter are fully justifiable in relation to the conduct of the school's/Council's business. These grounds should then form the basis of a discussion with the individual(s) concerned, with the aim of agreeing a mutually acceptable understanding or course of action. Where a discussion is necessary, it should be conducted with sensitivity and discretion. The employee is entitled to trade union or other representation.*

## **Section 14 - OTHER EMPLOYMENT**

You must not undertake any type of private work or other employment which conflicts with the Council's interests or prevents you from fulfilling the terms of your employment contract.

Teachers embarking on any outside activity involving paid employment which they feel is likely to give rise to a conflict of interests should disclose that activity to their Headteacher on the form at the end of this Section. Examples of such activities are –

- A. An IT teacher works on a consultancy basis for a private IT company which is seeking a contract with the school/County Council.
- B. A music teacher undertakes evening tuition work on behalf of a private music company run by a relative which is bidding for school work.
- C. A Headteacher is offered work by an educational body (e.g. a QUANGO, OFSTED etc.) outside the normal school day.
- D. A PE teacher is offered part-time coaching work by a company which supplies the school with sports equipment.

Although such relationships may appear to the employee to be entirely innocent, legitimate and free of taint, it is always advisable to disclose them. By doing so, the employee will reduce the risk of false accusations against him/herself, should an issue arise subsequently.

*Staff wishing to undertake other employment during normal working hours must seek the prior agreement of the Governing Body. For instance, the Headteacher referred to in example C above would have to obtain the prior agreement of his/her Governing Body before undertaking work for OFSTED during the normal school day (NB members of the Leadership Group do not have prescribed working hours).*

**(NB)** The Council has a duty to ensure that staff are not exceeding the limits on working hours embodied in the Working Time and Health and Safety Regulations.

### **Guidance**

*As a general rule, staff at all levels should not undertake any outside work which would put them in a position of conflict of interest or be detrimental to their official duties. A conflict of interest would certainly arise if an employee were to be paid by an external person or organisation for work which was in any way connected with their duties.*

*If a member of staff wants to undertake other paid work, advance approval must be sought in writing.*

*Any employee (teacher or Support Staff) who discloses “other employment” will need to satisfy the Headteacher that:*

- The nature of the activity of the employing individual, firm or organisation in question is unlikely to result in any contact with a School/Council activity but that if there is contact, this will be legitimate and acceptable within this Code.*
- S/he will ensure that the School/Council is aware of any change in the relevant circumstances as soon as they may occur.*
- S/he will declare any interest as required by this Code.*
- The work will not adversely affect his/her job or public perception of the way in which it is performed.*

*Headteachers should consider all requests against these criteria and within the requirements of the Code in general. Approval should be confirmed in writing and reviewed annually (at the instigation of the Headteachers).*

*If permission is refused or exceptional conditions imposed, the Headteachers will give full reasons for the decision in writing. These reasons must relate directly to the above principles.*

*In the event of previously approved outside employment subsequently involving dealings between the firm and the School/Council, the approval will be reconsidered (after discussion with the employee). The employee concerned should take no part in any discussions between the School/Council and the firm*

## Section 15 - INTELLECTUAL PROPERTY RIGHTS

'Intellectual property' means products of the mind, for example inventions, designs, trade marks, creative writings, programs and drawings (referred to in short as 'inventions'). It will normally be the case that the ownership of all 'inventions' and the copyright of all written material created during work for the School/Council, belong to the School/Council.

### **Guidance**

*The provisions in the Code clarify the position for employees and safeguard the School/Council's interests. For these purposes, the term 'invention' covers all intellectual property, as defined in the Code.*

*Under section 39(1) of the Patents Act 1977 -*

*"An invention made by an employee shall, as between him and his employer, be taken to belong to his/her employer for the purposes of this act and all other purposes if -*

- (a) it was made in the course of the normal duties of the employee or in the course of duties falling outside his/her normal duties, but specifically assigned to him/her, and the circumstances in either case were such that an invention might reasonably be expected to result in the carrying out of his/her duties; or*
- (b) the invention was made during the course of the duties of the employee and, at the time of making the invention, because of the nature of his/her duties and particular responsibilities arising from the nature of his/her duties he/she has a special obligation to further the interests of the employer's undertaking."*

*And under section 11(2) of the Copyright Designs and Patents Act 1988 –*

*"Where a literary, dramatic, musical or artistic work is made by an employee in the course of his employment, his employer is the first owner of any copyright in the work subject to any agreement to the contrary."*

*For the purposes of the Code 'normal duties' are defined as those duties described in the employee's job description. 'Specifically assigned' duties are as documented in 'key tasks' at appraisal or as otherwise specified by an employee's line manager, including duties assigned in local instructions.*

*This is a complex legal area, especially in the context of schools, backed by many statutes and much case law. Further legal guidance must always be sought in any particular case. The need for guidance may arise, for example, through an employee asking permission to treat an 'invention' as their own or through personal exploitation of an 'invention'. If the situation has arisen through employment with the School/Council, it is unethical for an employee to exploit the 'invention' commercially for personal gain. Thus if an employee undertakes, in their own time, a School/Council process, system or task, no ownership rights can be claimed. However, the School/Council does not wish to remove employees' rights to independent inventions or intellectual property that have been created outside the terms of employment. For example, a drama teacher is required to produce an annual school play. One year, rather than using a traditional text, s/he decides to write the play him/herself, in his/her own time. Although s/he may assume that the play s/he writes will be his/her property, s/he would be well advised to establish in advance whether or not the rights to that play will rest with the school or him/herself.*

## **Section 16 - USE OF SCHOOL/COUNCIL FACILITIES AND PERSONAL ACTIVITIES**

School/Council employees are provided with facilities such as office materials, reprography, computing and communications systems and equipment, tools and vehicles, for use in carrying out their official work. These can only be used, or removed from School/Council premises, for personal use or non School/Council purposes very exceptionally, and then only with the prior approval of a senior manager. Some facilities, such as reprography, may be available to staff for private use on agreed terms and with prior approval.

Personal or outside activities must not be undertaken in the School's/Council's time.

### **Guidance**

*As far as facilities are concerned, Headteachers should be considerate about personal use that will be of benefit to job performance or is otherwise related to work. An obvious example is telephoning home if delayed at work. There will be other circumstances where limited use of facilities or equipment may benefit the community or a charity and possibly enhance the School's/Council's reputation. Use must always be authorised in advance by a senior manager and the School's/Council's interests put first. Where appropriate, charges should be made for the use of equipment and materials.*

*The restriction on pursuing personal or outside interests at work is not meant to bar innocuous activities such as the sale of raffle tickets. More significant action, such as giving a School/Council phone extension for the sale of private goods, cannot be allowed.*

## **Section 17 - ASSOCIATED FORMS & REFERRAL POINTS**

The following forms can be found on the Schools Hr website:

<b>Name</b>	<b>Action taken by :</b>	<b>Held By/Refer to</b>
Declaration of interest form – General Disclosures	Head Teacher	Schools Intranet
Gifts and Hospitality Form	Head Teacher	Schools Intranet
Register of Politically Restricted Posts	N/A	Schools HR
Whistle Blowing Protocol	N/A	Constitution on Intranet

## Section 18 - CODE OF CONDUCT – MATRIX OF REGULATIONS AND STANDARDS RELEVANT TO SPECIFIC DIRECTORATES

In determining acceptable standards, employees are asked to familiarise themselves not only with those included in the Code of Conduct but also those included in Service specific Codes, corporate policies or operational procedures used by their own Services. This matrix signposts employees to other key Regulations & Standards, although this should only be used for guidance. Each heading is not mutually exclusive and an employee may find that all headings could apply to them.

<b>APPLIES TO ALL EMPLOYEES</b>	<b>WORKING WITH THE PUBLIC</b>	<b>WORKING WITH SERVICE USERS</b>	<b>WORKING WITH RESOURCES</b>	<b>USING COMMUNICATIONS</b>	<b>WORKING WITH PARTNERS/OTHER ORGANISATIONS</b>	<b>WORKING WITH INFORMATION</b>
Recruitment and Selection  Diversity  Dignity at Work  Health and Safety  Standards  Confidentiality  Core Values  Working time regulations  Whistle Blowing  Code of Customer Care  Bribery Act Policy	R & S  Diversity  Freedom of Information  Bribery Act	Confidentiality Code  Standards of Conduct for Staff in Community Services (Vulnerable Adults )  Code of Conduct (Children)  Integrity Code for Schools  Code of Conduct (schools)  Code of Conducts – Visiting Officers (Housing & Council Tax Benefits)  Code of Conduct – Fraud Investigators(Housing & Council Tax Benefits)	Anti-fraud & Corruption  Financial and Contract Procedure Rules  Register of Interests – (Housing & Council Tax Benefits)	ICT Security Policy	Confidentiality	Confidentiality  Data Protection  Freedom of Information

**SEPTEMBER 2013**

