



The
Westminster
School

Staff Code of Professional Conduct 2020-2022



Safe Happy and Learning Together
Building foundations and providing
opportunities to create confident,
aspirational and independent members of
our community.

Approved by Governing Body on: 15 December 2020

Signed by Chair of Governors:

Head Teacher:

O Flowers

Lead Personnel:

A Gibson

Date of Review:

15 December 2022

The following code of conduct has been formulated to allow the School to fulfil its functions under the School Staffing (England) Regulations 2009 (the “Regulations”) in relation to its duty under Regulation 7 to establish procedures for the regulation of the conduct of the staff at the school. The code has also been formulated following the recommendation from the DfE stating the need for Schools to have a “staff code of conduct” (Keeping Children Safe in Education, DfE Guidance, September 2018).

This code of conduct applies to all employees and volunteers in the School. All schools and academies are entitled to demand a level of conduct from employees which is of the highest standard. In the case of teachers, it applies in conjunction with Part Two of the Department for Education Teachers’ Standards ¹. Teaching staff must also adhere to the terms and conditions outlined in the School Teachers Pay and Conditions document 2018.

For those employees on National Joint Council (NJC)/Local Government Contracts their code of conduct is encompassed in Section 82 of the Local Government Act 2000 which details that a Model Code of Employee’s Conduct to be issued to employees. Details of this requirement is found in the Sandwell MBC, The Constitution, Part 5, Officers Code of Conduct document (HR9) ².

This code aims to establish the usual standard of conduct expected of all employees, whilst also reflects the Core Values and Vision of the School. It’s a combination of these regulations, standards and values which formulates the way in which an employee of The Westminster School is expected to conduct themselves.

This code of conduct:

- sets out minimum standards of behaviour for employees;
- provides guidelines to help maintain and improve standards;
- aims to protect the reputation of both employees and the school;

This code of conduct is not exhaustive and does not replace the general requirements of the law, common sense and good professional conduct.

¹ *Teacher Standards*

The Standards indicate certain values that relate directly to the code of conduct.

*“Teachers make the education of their pupils their first concern, and are accountable for achieving the **highest possible standards in work and conduct. Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills as teachers up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils.**”*

² The Sandwell MBC, Officers Code of Conduct states that:

“Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.”

A code of conduct is promoted with the aim of creating a cooperative workforce, where staff work as a team, have high values and respect each other; thus creating a strong morale and sense of commitment leading to increased productivity.

As an employee, you must not put yourself in a position where duty and private interests conflict and you must not make use of your employment to further your private interests.

The Code consists of:

1. General Principles

2. General Code of Conduct

- Application and Intent
- Personal Interest
- Staff/Pupil Relationships
- Gifts and Responsibility
- Sponsorship
- General Confidentiality
- Dealing with the School's Money
- Criminal Charges and Convictions
- Other Employment
- Intellectual Property and Copyrights
- Publications and Dealing with the Press
- Equipment and Materials
- Political Restrictions and Neutrality
- Equal Opportunities
- Employment Matters
- Discrimination/Harassment
- Fitness for Work
- Health and Safety
- Attendance
- Smoking
- Mobile Phones
- Dress Code
- Identity Badges
- Disciplinary Rules and Procedures
- Following Instructions

1. General Principles

As an employee of The Westminster School you are expected to carry out your duties in accordance with The School's and Sandwell Council's policies and procedures. The policies can be located on the school website or are available from the School Business Manager.

You are expected to uphold the following principles:

- **Selflessness:** your decisions must be taken in terms of the values and vision of The Westminster School and not in order to gain financial or other material benefits.
- **Integrity:** you must not place yourself in a situation where your position is compromised.
- **Objectivity:** all decisions must be made on merit alone.
- **Accountability:** you must accept accountability for your decisions and actions.
- **Openness:** you should be as open as possible about all your decisions and actions.
- **Honesty:** you should declare any private interests relating to your duties and take lawful steps to resolve any conflicts to ensure that public interest is protected.
- **Leadership:** you must support and promote these principles by example.
- **Conduct:** you must avoid bringing the School, into disrepute (e.g. by the use of social networks, the internet or through conversations with other colleagues or the general public).
- **Respect:** you must treat others with respect.

2. General Code of Conduct

Application and Intent

You will be expected to act in accordance with the Code. The Code has been formulated so that you are not left in any doubt as to what is acceptable or unacceptable behaviour during the course of your employment. The Code of Conduct places rules and regulations on certain activities and any breach of these prohibitions may lead to disciplinary action. Disciplinary Action is conducted in accordance with the Schools Disciplinary Policy (Sandwell MBC Policy - PERS 52).

Personal Interest

You must not in your official capacity:

- Allow your personal interests to conflict with the School's requirements.
- Use your position improperly to confer an advantage or disadvantage on any person.

You must:

- Not disclose information given to you in confidence, or information acquired which is of a confidential nature, without the consent of a person authorised to give it.
- Not prevent another person from gaining access to information to which that person is entitled by law.

- Ensure that your relationships with Pupils, Parents, Carers, Governors, Staff and any other people with whom you may come into contact with in the course of your duties are professional at all times.

Staff/Pupil Relationships

Staff will observe proper boundaries with pupils that are appropriate to their professional position. They will act in a fair and transparent way that would not lead anyone to reasonably assume they are not doing so. If staff members and pupils must spend time on a one-to-one basis, staff will ensure that:

- This takes place in a public place that others can access
- Others can see in to the room or they are in line with the CCTV camera in that room
- A colleague or line manager knows this is taking place

Staff should avoid contact with pupils outside of school hours if possible. Personal contact details should not be exchanged between staff and pupils. This includes social media profiles. While we are aware many pupils and their parents may wish to give gifts to staff, for example, at the end of the school year, gifts from staff to pupils are not acceptable.

If a staff member is concerned at any point that an interaction between themselves and a pupil may be misinterpreted, this should be reported directly to the Head Teacher.

There may be occasions when a pupil is in distress and in need of comfort as a reassurance. This may include age appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation. If possible Individual work with pupils should not be undertaken in isolated areas or rooms, rooms without CCTV or areas without viewing panels.

Where it is necessary to close doors for reasons of confidentiality or privacy a colleague should be made aware of this and asked to remain vigilant. All safeguarding issues must be referred to the DSL.

Gifts and hospitality

The School seeks to maintain the highest standards of conduct and probity in its business. The acceptance of gifts and/or hospitality by employees must be treated with extreme caution. No offer of a gift or inducement, whether made at specific occasions (e.g. at Christmas) or casually, should be accepted when the gift is made by, or indirectly by, a person, firm or organisation which, to the knowledge of the employee, has or seeks to do business of any kind with the School which maintains the school or to have an interest in its decisions. Gifts made in this way can be put into a raffle or similar in order to raise money for the School Fund or any other charitable endeavours as part of the School's SMSC agenda.

The receipt of minor articles, often by way of trade advertisements, which will be used on the School's business (e.g. diaries, calendars, office requisites, etc., which are customarily distributed at Christmas and, occasionally, at other times) is acceptable.

If you are in any doubt, you should seek guidance from the Head Teacher or Line Manager before accepting any gifts or hospitality offered. If there is any doubt further advice can be requested from the Local Authority's Internal Audit Office.

Employees should also refrain from making any gifts to external organisations or to the employees of organisations which provide services to the School or which are potential providers of such services. (For more information about this go to Section 12.0 to 12.5 of Sandwell MBC - Officers Code of Conduct).

Employees should refrain from giving gifts to pupils. The Pupil Reward System and Sleuth Behaviour Management Tool provides ample opportunity to praise pupils for their conduct, behaviour and work.

Sponsorship

Authorisation should be obtained from the Head Teacher or School Business Manager before requesting sponsorship from employees of the School.

Where the School sponsors an event or service, you, or any partner, spouse or relative must not benefit from the sponsorship.

General Confidentiality

You may, in the course of your duties, obtain information which is confidential.

You must not:

- Pass on any information received or obtained through your employment to anyone who is not entitled to have that information.
- Use information for personal advantage.

You must:

- Work within the requirements of General Data Protection Regulations (GDPR) 2018 and the Freedom of Information Act 2000.
- Observe the School's procedures for the release of personal information held about other employees or members of the public.
- You must not misuse your position by seeking information which you do not need to know to carry out your duties.

Examples of abuse of confidence would include:

- Ill-considered gossip whether with colleagues or outsiders which may be misconstrued and re-quoted.
- Exploitation of confidential information for personal gain.
- Premature and/or unauthorised disclosure to other parties of policy proposals, with the object of generating adverse publicity e.g. to the press, interest groups.

Please see the School's GDPR Policy for further information.

Dealing with the School's Money

You must:

- Ensure that public funds are used in a responsible and lawful manner.
- Strive to ensure value for money to the School and to avoid legal challenge to the School.
- Ensure compliance with the School's Finance Procedures and Responsibilities policy

Criminal Charges and Convictions

In accordance with the Independent School Standards Regulations, the School requires all applicants to disclose criminal convictions, whether committed in the UK or elsewhere.

You must:

- Notify the School in writing immediately if you are subject to a caution, ban, police enquiry, investigation, pending prosecution or are charged with any criminal offence or if convicted of any criminal offence, this includes cautions.
- If charged with an offence, advise the School as your employer immediately after you are charged (i.e. next working day).

It should be noted that the term 'conviction' includes a finding of guilt, regardless of whether or not a conviction is recorded. Failure to notify the School in either case will constitute grounds for disciplinary action.

As part of your employment you will be expected to complete a:

- Renew your DBS every three years and provide the relevant supporting documentation to the School's HR Provider.

All staff and volunteers and required to notify the Head Teacher (or in the case of the Head Teacher the Chair of Governors) immediately if they are found to by the Police/Court to have engaged in criminal activity, or are under investigation by the Police or Social Services, as this may impact on their ability to work with children.

Other Employment

In some instances, your contract of employment may:

- Prevent you from undertaking other employment without the written permission of your manager. This will be stated within your individual contract.
- It is important that you ensure that any additional employment does not conflict with the interests of the School or affect your ability and credibility to do your job.
- Where you have more than one job, both the School and your other employer(s) are responsible for ensuring that the 48 hour week is complied with. You should therefore ensure that you inform your Head Teacher/ Line Manager about any work you undertake for other employer(s). (You may opt to work more than 48 hours per week and should you wish to do so, you will need to complete the form 'Working Time Regulations Opt-Out Agreement' under Supporting Documents and submit it to your Head Teacher or Line Manager.
- You must ensure that School time and equipment are not utilised in connection with any other employment.
- If in doubt, the best thing to do is to discuss the circumstances with your manager.

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 you in the course of your duties belongs automatically to the School, unless otherwise agreed, you cannot exploit the rights to any such thing without written permission from the School.

Publications and Dealing with the Press

You must not:

- Publish any material which comments on the activities, policies etc. of the School without the consent of your manager.
- Make comments to the press or media unless specifically authorised to do so.

Where requests for comments are received they should be passed on to the Head Teacher, School Business Manager or Head's PA.

Where you wish to publish an article unconnected with the School then the article must not link you to the business of the School or your professional role and responsibilities.

Equipment and Materials

You must:

- Not use the equipment and premises of the School or of other places where you work during your contract of employment for unauthorised purposes.
- Only make personal telephone calls and emails when necessary and within reason and during designated break periods, unless in an emergency.
- Only use the internet for personal use in your own time.
- Follow the internet usage policy.

For further information relating to the authorised and unauthorised use of equipment please see the School's e-Safety and Acceptable Use Policy.

Staff who are loaned ICT or other equipment by the school (for example laptops, computers, iPads, iPods, cameras or phones) must adhere to all aspects of the e-Safety Policy.

This must be the case wherever the equipment is being used as it remains the property of The Westminster School at all times.

Staff are required to take proper care of the equipment whilst in their possession and will abide by the requirements of the school's insurance policy and GDPR policy with regard to protecting the equipment and its contents from loss or damage.

Staff must also agree that, should the equipment be lost or damaged, the school may recover the cost for replacement or repair of the equipment from the staff member concerned.

All staff are expected to sign the staff ICT and equipment loan agreement once an allocation has been made and the equipment received.

Political Restrictions and Neutrality

There are a number of posts that are politically restricted. These fall into two broad categories:

- Specified posts
- Sensitive posts

If you are in a politically restricted post then this will be indicated in your contract of employment and you are restricted in certain political activities.

Political Neutrality

The School will not concern itself with the political beliefs of individuals however you must not allow your own political beliefs to interfere with the work of the School. You may not display party political posters, including election material, in any place of work.

Equal Opportunities

The School is committed to the promotion and implementation of equal opportunities both internally and externally.

The School aims to ensure that everyone who comes into contact with it is treated equally and not in any way disadvantaged by factors which could prevent the implementation of fair policies and operations. For more information about the policy see the School's Equal Opportunities Policy.

The School will recognise the differences which exist and will seek to understand the needs of people within the groups which are afforded protection or assistance through this policy.

The School expects all its employees to uphold its Equal Opportunity in Employment Policy 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.

Employment Matters

If you are involved in making appointments you must:

- Ensure that such appointments are made on the basis of the candidate's ability to do the job.
- Ensure that your personal preferences should not influence judgements made.
- Declare your interest where you are related to an applicant or have a close personal relationship outside work with him/her.

Discrimination, Harassment, and Victimisation

You must treat all other employees, pupils, parents, and people with whom you come into contact with courtesy and respect, and must not make any remarks or gestures relating to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation which may cause offence.

Any incident involving bullying or harassment will be dealt with in accordance with Sandwell MBC Harassment and Bullying Policy (PERS 41b). Any complaint of discrimination, harassment, or victimisation or complaints made on the grounds of any of the protected characteristics listed above, will be taken seriously and will be the subject of a thorough investigation. This could give rise to the implementation of the School's Disciplinary procedure, depending on the outcome of the investigation.

Fitness for Work

The School accepts that alcohol is legally and freely available. You must:

- Ensure that the use of alcohol out of work does not adversely affect your work performance, the health, safety or welfare of yourself or others and does not damage the Schools image and reputation.
- If you are a Head Teacher or Manager, consider the options available for managing employees in the above situation and consider if there is a need to make a supportive referral to the services of Sandwell Occupational Health.
- Not consume or be under the influence of alcohol, use illicit drugs or other illegal substances while at work.
- Ensure that the use of any of them out of work does not adversely affect the work performance and safety of yourself or others, and does not bring the School into disrepute.
- If taking medication you must seek the advice of your doctor to ensure that such medication will not impede your ability to do the job (e.g. operate machinery).
- Inform your Head Teacher or Line Manager of any situations where a risk to yourself or others may arise because of this.
- If you are a Head Teacher or Line Manager consider the options available for assisting employees who are required to take legally prescribed drugs and whose levels of performance has been impaired. In these circumstances a risk assessment should be undertaken.

Health and Safety

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

You are required to act at all times in accordance with this policy and generally to act in such a way to ensure your own safety and that of others.

Any action which potentially puts at risk the health and/or safety of yourself or others will be viewed seriously and may result in disciplinary action may be taken.

Attendance

Your contract of employment contains the main terms and conditions of your employment with the School. It is expected that you are available for work during these hours and take an unpaid lunch break during designated and timetabled periods.

When you are at work you must sign in and then out of the building to ensure a roll can be called in the event of a fire alarm or other need to evacuate the building.

Non Attendance at work is cover by the Management of Absence Policy (Sandwell Policy). The procedures for informing the School about your absence are contained in the Staff Handbook.

Smoking and Vaping

The School is a non-smoking organisation. With this in mind you are not permitted to smoke or vape in any of the School's offices, or any other building or grounds, owned or occupied by the School, at any time. Smoking or vaping whilst on the School's premises may be subject to disciplinary action.

Personal Mobiles

- Employees are not permitted to make/receive calls/texts during work time where children are present (excluding break times).
- Staff should ensure that mobiles are set to silent at all times whilst in classrooms with children. They should not be left on display.
- Staff are not permitted to use recording equipment on their personal mobile phones.

Work Mobiles

Some School staff will be allocated a mobile phone to go about their business. This phone needs to be on throughout the working day to ensure calls, text messages and emails can be taken and responded to.

Dress Code

There is a general expectation that dress will be appropriate to the nature of the duties and responsibilities of the job. For instance, sport type clothing will be worn when conducting practical PE lessons however smart business dress will be worn when conducting other classroom lessons. This also applies to Off-Site activities and as representatives of the school smart business dress is required at all times unless the activity is of a physical nature.

The School values and welcomes the ethnic diversity of its workforce and therefore dress codes will take account of ethnic and religious dress requirements with sensitivity ensuring that employees are free to observe them.

Where there is a clear business case or a health and safety reason, the School may introduce appropriate dress codes to suit the services provided.

Identity Badges

Employees issued with identity badges should wear them at all times. This is particularly important if you visit the public in their homes. Where managers decide that it is not practical to wear identity badges then you should have them available for inspection at all times. As the badge also acts as an access pass you must alert a member of the administration team that it is lost to prevent unauthorised access to the building.

Disciplinary Rules

The School has a disciplinary procedure which is detailed in the Disciplinary Policy (Sandwell Policy - Pers 52).

The disciplinary procedure is concerned with instances of alleged misconduct, either ordinary or gross. It is anticipated that the vast majority of breaches will be of a minor nature and that they can be resolved without recourse to a formal procedure. Some breaches will be more serious or there may be circumstances where there is repetition of a minor breach. In such circumstances the matter will be formally investigated and progressed under the formal procedure.

The School also has a separate capability procedure which provides a framework for managers and employees to cope with issues relating to performance. The underlying intention of the Procedure is to give the employees who are falling below the established acceptable standards the opportunity to improve. Further details of this can be found in the Capability Procedure for Teaching Staff (Sandwell Policy) and the Capability Policy for Non-Teaching staff (Sandwell Policy)

Following Instructions

You are expected to follow all reasonable and lawful instructions by a person with the authority to issue such instructions unless:

- There is a danger to a person's health and safety.
- A conflict of interest may exist.
- It does not comply with School's policy and practice.

Head Teachers and Line Managers must be able to justify their instructions and decisions in line with their delegations, authority, and School policy and procedures, and be open and respond promptly to constructive questions.

Contract of Employment

Your contract of employment is an agreement between the School, the Local Authority and you which sets out your employment rights, responsibilities and duties and this includes the Code of Conduct.

General Data Protection Regulations

The GDPR protects personal data which relates to living identifiable individuals and deals with the way in which personal information is collected, held, recorded and used.

It works in two ways:

- It gives you and other data subjects certain rights

- It states that those who record and use personal information must be open about how the information is used.

Freedom of Information Act 2000

The Freedom of Information (FOI) Act (2000) gives significant rights of access to information held by all public authorities. All Freedom of Information requested should be processed by the School Business Manager or Head Teacher.

Working Time Directive

The Working Time Regulations as amended, impose minimum requirements on employers, while at the same time allowing flexibility for workers and employers to make arrangements which suit them. One of the basic rights is a limit of an average of 48 hours a week which a worker can be required to work. However, there is provision for an opt out agreement to be signed where both the organisation and the worker are willing to increase or exclude the limit on working hours.

Internet Usage

Internet Users must not display, access, use, extract, store, distribute, print, reveal or otherwise process any kind of image, document or other material which is sexually explicit or offensive in any other way, on any school system. This activity would be a violation of the schools policies, particularly those relating to conduct and discrimination.

You must not post any comments, photographs, images or conversations on social networking websites which may bring you or the School into disrepute. Security settings should be maintained at the highest level in order to prevent members of the public seeing any of your personal information. Further information regarding the appropriate use of technology can be found in the E Safety and Acceptable Use Policy.

Linked Policies

- School Disciplinary Policy
- GDPR Policy
- Finance Procedures and Responsibilities Policy
- Equal Opportunities Policy
- Health and Safety Policy
- Harassment and Bullying Policy
- Management of Absence Policy
- Capability Procedure for Teaching Staff
- Capability Policy for Non-Teaching Staff
- E-Safety and Acceptable Use Policy

All policies are available on the school website or can be requested from the School Business Manager.

