



# Code of Conduct

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## Purpose

The Kemnal Academies Trust (TKAT) aims to foster a culture of the highest professional standards and safeguarding.

This Code sets out the standards of conduct and practice that all employees, Governors, volunteers, workers and contractors are expected to follow in order to ensure behaviour of the highest order so that pupils, parents, the community and colleagues have and maintain confidence and trust in the integrity of those working for TKAT.

This code is designed to be supportive and will assist employees to maintain professional standards of behaviour and protect themselves from misunderstanding or criticism.

All employees and workers are expected to support creating and maintaining an ongoing culture of vigilance and safety in relation to safeguarding children. The needs of the child will always take precedence over the needs of any adult in this context. Individuals not complying with Academy and / or Trust safeguarding procedures should expect, and support, challenge. In turn, anyone witnessing any suspected breach of safeguarding practice should feel assured that they will receive the full support of Leadership and colleagues when raising concerns.

In essence, adults working for or with TKAT are expected to act as role models for the children served by the Trust, putting them and their interests at the heart of everything we do.

## General Principles

The adoption of a Code of Conduct means that the standards and expectations of all Trust employees are transparent and equitable. This Code is therefore designed to set out expected standards of conduct and behaviour in order that employees themselves and the Academy/Trust's community can be sure of the parameters and standards required of employees in such a manner that there will be confidence and trust in employee working practices.

This Code identifies the key areas of conduct and behaviour, setting out standards and guidance for employees. The areas highlighted in this Code are not exhaustive, and employees should endeavour to be seen as setting the highest standards of conduct in a way that does not bring themselves as a Trust employee, the Academy or department they work within, or the Trust in general into disrepute. Local Academy Codes of Conduct may exist alongside this document, however where any inconsistencies arise between the two, this version will take precedent.

All employees in the Academy/Trust are undertaking a professional role to support the education of young people. As such they are all role models and are expected to act accordingly. This includes relationships and communication with colleagues and pupils, adherence to the academy's dress code and activities in the community outside the Trust.

All employees should ensure that their behaviour and performance meets work place standards at any time that the academy/Trust is being represented or is likely to be identified as such by members of the public.

## Scope

### **Part One** – Conduct in Relation to Interaction with Children.

1. Introduction
2. Duty of Care
3. Confidentiality
4. Exercising Professional Judgement
5. Standards of Behaviour
6. Underpinning Principles
7. Responsibilities
8. Power and Positions of Trust
9. Infatuations
10. Social Contact Outside of the Workplace
11. Communication with Children
12. Physical Contact
13. Intimate / Personal Care
14. Behaviour Management
15. Use of control and physical intervention
16. Sexual Conduct
17. One to One Situations
18. Home visits
19. Transporting pupils
20. Educational Visits
21. Photography, Videos and other images
22. Exposure to inappropriate images
23. Curriculum

### **Part Two** – General Standards

24. Responsibilities of Employees
25. General Standards in Dealing with People
26. Sexual Harassment
27. Relationships with Pupils, Parents, Colleagues and Governors
28. Dress and Appearance
29. Gifts, Rewards, Favouritism and Exclusion
30. Equality Issues
31. Conflicts of Interest & Work outside the Trust
32. Awarding Contracts
33. Hospitality and the acceptance of gifts
34. Commercial Confidentiality/ General Data Protection Regulations 2018 (GDPR)
35. Criminal Offences
36. Driving Disqualification
37. Use of Trust or Academy Facilities
38. Sanctions for the Breach of the Code

# Part One – Conduct in Relation to Interaction with Children

## 1. Introduction

All staff have a unique opportunity to shape the lives of young people through interactions that are inspiring and influential. This guidance should assist staff in monitoring their own standards and practice, thereby reducing the risk of false allegations of improper or unprofessional conduct being made against them. It will support school leaders in giving a clear message that unacceptable behaviour will not be tolerated and that where appropriate, disciplinary or legal action will be taken.

All staff have a responsibility to be aware of systems in their school which support safeguarding. It is recognised that the vast majority of adults act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children in their care.

It must be recognised that some allegations will be genuine as there are people who seek out, create or exploit opportunities to harm children. However, allegations may be false or arise from different perceptions of the same event and when this occurs it can be distressing and difficult for all concerned. Therefore, it is essential that all possible steps are taken to safeguard children and ensure the adults working with them do so safely.

## 2. Duty of Care

All reasonable steps should be taken by an individual and organisation to ensure the safety of a child involved in any activity or interaction for which they are responsible.

All staff are accountable for the way in which they present themselves, exercise authority, manage risk, use resources and protect students from discrimination and avoidable harm.

This means that staff should:

- Understand the responsibilities of their employment or role and be aware that there may be sanctions if these are breached
- Always act in the child's best interests

## 3. Confidentiality

Staff may have access to confidential information about pupils and their families, which must be kept confidential at all times. Staff should never use this information for their own or others' advantage. Information should never be used to intimidate, humiliate or embarrass the child. Confidential information should never be used casually in conversation or shared with anyone else, other than on a need to know basis.

Exceptions to confidentiality are when:

- The situation raises concern about the safety of a child or vulnerable adult
- The person is in immediate danger
- The information relates to an alleged crime or to a crime that is going to happen

#### 4. Exercising Professional Judgement

This document aims to raise awareness of behaviour that is illegal, inappropriate or inadvisable. Occasionally, staff have to make decisions or take action, where no clear guidance exists, in the best interests of the child. In these cases, staff should:

- Discuss the circumstances that informed their actions with their line manager or DSL. This will ensure that safe practices are employed and reduce the risk of actions being misinterpreted
- Always discuss any misunderstandings with SLT /DSL
- Always record the circumstances, decisions and actions taken as soon as possible after the event and share this with SLT / DSL
- Adults should always consider whether their actions are warranted, proportionate, safe and applied equitably.

Adults should exercise care when selecting pupils for activities, jobs or privileges to avoid perceptions of favouritism. Similarly, when pupils are excluded from an activity. Methods of selection and exclusion should be subject to clear, fair agreed criteria.

#### 5. Standards of Behaviour

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. They should adopt high standards of personal conduct to maintain this confidence and respect. There may be times where an individual's personal life comes under scrutiny and staff should be aware that their behaviour, both inside and outside the workplace, could compromise their position. In addition, it could involve a loss of trust and confidence or bring the employer and profession into disrepute. Such behaviour may result in prohibition from teaching or barring from regulated activity.

This means that staff should not:

- Behave in a manner which would question their suitability to work with children or act as an appropriate role model
- Make or encourage others to make sexual remarks to, or about, a pupil

- Use inappropriate language to, or in the presence of, pupils including techniques such as ‘mirroring’
- Discuss their personal or sexual relationships with or in the presence of pupils
- Make or encourage others to make unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such
- Be aware that behaviour by themselves, those with whom they share a household, or others in their personal life, may impact on their work with children

## 6. Underpinning Principles

- The welfare of the child is paramount
- Staff should understand their responsibilities to safeguard and promote the welfare of pupils
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead to their motivations and intentions being questioned
- Staff should work, and be seen to work, in an open and transparent way
- Staff should acknowledge that deliberately invented, malicious allegations are extremely rare and that all concerns should be recorded and reported
- Staff should always discuss and take advice from their line manager promptly, if they have acted in a way which may give rise to concern or be misconstrued
- Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation
- Staff should not consume or be under the influence of alcohol or any substance including prescribed medication which may affect their judgement and /or ability to care for children.
- Staff should be aware that breaches of professional guidelines or the law could result in disciplinary, criminal and/or professional prohibition action being taken against them
- Staff and managers should continually monitor and review practice to ensure this guidance is followed
- Staff should be aware of and understand the Safeguarding Policy and other relevant policies

## 7. Responsibilities

All staff have a responsibility to keep pupils safe and to protect them from all forms of abuse (sexual, physical and emotional), neglect and safeguarding concerns. Pupils have a right to be safe and to be treated with respect and dignity. Adults are expected to take reasonable steps to ensure their safety and well-being. Failure to do so may be regarded as professional misconduct.

The safeguarding culture in school should promote a culture of openness and support and ensure systems are in place to raise concerns. Schools should ensure that adults are not placed in situations that cause them to be particularly vulnerable and they are aware of expectations, policies and procedures. This is supported by respectful, caring and professional relationships

between adults and pupils as well as adult behaviour that demonstrates integrity, maturity and good judgement.

## 8. Power and Positions of Trust

The relationship between pupil and adult cannot be seen as that of equals. The potential for exploitation and harm of pupils means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Staff should always maintain appropriate professional boundaries, avoiding behaviour, provocative language and dress which could be misinterpreted by others.

The key characteristic of the professional relationship is that the sole objective is meeting the assessed needs of pupils within agreed academy policies that prevail at any given time. At no point must the needs of the employee, unrelated to professional practice, take precedence. Emotional involvement or behaviour that is, or may be seen to be (by a reasonable person), primarily in employee interests, rather than meeting the assessed needs of pupils or families, may be defined as extending beyond the professional role.

Unless there is sound reason to do so, and the action is taken with the express knowledge and approval of the headteacher/Trust SLT, and the decision is officially recorded:

- an employee must not make personal arrangements to see pupils, their carers, their families or ex-pupils outside directed or contracted hours.
- an employee must not take pupils, service users, their carers or families to their home.
- an employee must not give their home/personal telephone number or home address to pupils, service users, their carers or families.
- an employee must neither sell nor buy property directly from pupils, their families or carers
- an employee must not use their position to gain access to information for their own advantage and/or a pupil's or family's detriment
- an employee must not use their power to intimidate, threaten, coerce or undermine pupils
- an employee must not use their status to form or promote relationships with pupils which are of a sexual nature or which may become so.

This position of trust also has consequences for actions and behaviours outside of working hours. Examples could be where an employee working with children:

- engages in activity, or is associating, with individuals or people whose current or past behaviours could raise doubts or concerns about an employee's own integrity or ability to be in a 'position of trust' with regard to children. This could have a direct consequence on their ability to continue in employment/the role.
- has a current relationship with an individual, or is known to associate with individuals, who have convictions for child abuse. In these circumstances the employee is expected to self-disclose this information in line with the local Safeguarding and Child Protection policy.

- has communicated with pupils or children in a manner that could be deemed to be inappropriate.

## 9. Infatuations

All staff need to recognise that it is not uncommon for pupils to be attracted to a member of staff and/or develop a 'crush' or 'infatuation'. Staff should make every effort to ensure that their own behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of words or actions being misinterpreted.

Any member of staff who receives a report, overhears something or notices a sign, however small, that a young person has become or may become infatuated with either themselves or a colleague, should report this immediately to the Headteacher or most senior member of staff available. In the case of the Headteacher being concerned that a pupil may be becoming infatuated with them, they should report this to the Chair of Governors and their Regional Executive Director.

Appropriate early intervention can be taken to prevent an escalation and avoid hurt, embarrassment or distress for those concerned. Careful thought should be given to the circumstances where the staff member, pupil and their parents should be spoken to and ensure a plan is in place to manage the situation. This plan should respond sensitively to the child and staff member and maintain dignity of all, involve all parties and be regularly reviewed and monitored.

This means that all staff should:

- Report any indications (verbal, written or physical) that suggest a pupil may be infatuated with a member of staff
- Always maintain professional boundaries
- Senior managers should put plans in place where concerns are brought to their attention.

## 10. Social contact outside of the workplace

It is acknowledged that staff may have genuine friendships and social contact with parents of pupils, independent of a professional relationship. However, it is known that professionals who sexually harm children often seek to establish contact and relationships with parents outside of the workplace, to 'groom' the adult and child, thereby creating opportunities for sexual abuse.

It is also important to recognise the opportunities that may be created for sexual exploitation or radicalisation. Some types of social contact could be seen as harmful or exerting inappropriate influence and may bring the setting into disrepute e.g. political protests, circulating propaganda.

If a pupil or parent seeks to establish social contact, or it happens coincidentally, the member of staff should exercise professional judgement. This includes contact made through outside interests or the staff members' own family.

Staff should not issue their personal details such as home/mobile phone number, personal email address or access to social media accounts.

As part of their professional role, some staff may be required to support a parent or carer. If they then come to depend upon the staff member or seeks support outside of their professional role, this should be discussed with senior management and where necessary, referrals made to the appropriate agencies.

This means that staff should:

- Always approve any planned social contact with pupils or parents, with senior management. E.g. reward trips
- Advise senior management of any regular social contact they have with a pupil, which could give rise to concern
- Not send personal communication to parents or pupils unless agreed with senior management in advance
- Inform senior management of any relationship with a parent where this extends beyond the usual professional relationship
- Inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring

## 11. Communication with Children

Staff should ensure they establish safe and responsible online behaviours, working to local and national guidelines and acceptable use policies.

Communication with children should take place within explicit professional boundaries including use of computers, texts, emails, instant messaging and social media.

Staff should not request or respond to any personal information from children other than that which is necessary in their professional role. They should ensure that any communication is open and transparent and avoid any communication which could be seen as 'grooming behaviour'.

Staff should not give personal contact details to children including web-based identities. If children locate these by another means and attempt to contact or correspond with the staff member, the adult should not respond and must report the matter to their line manager.

## 12. Physical contact

There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil's individual needs and any agreed care plan.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes any action by them or a colleague could be misinterpreted, or an action is observed which could possibly be abusive, the incident should be immediately reported to the Headteacher/ Lead DSL and recorded. Where appropriate, this should be reported to the LADO.

Some pupils may seek physical contact which should be deterred sensitively, and support given to help them understand the importance of personal boundaries, A general culture of ‘no touching’ should be adopted but individual circumstances may require a ‘safe touch’ approach e.g. pupils with disabilities. In these situations, arrangements should be understood and agreed by all concerned, justified in terms of the pupil’s needs, consistently applied and open to scrutiny.

This means that staff should:

- Be aware that even well-intentioned physical contact may be misconstrued by the pupil, an observer or any person to whom this action is described
- Never touch a pupil in a way that may be considered indecent
- Be prepared to explain actions and accept that all physical contact must be open to scrutiny
- Never indulge in horseplay or play-fighting
- Ensure the way comfort is offered to a distressed pupil is age-appropriate
- Report and record situations which may give rise to concern

Schools should:

- Ensure they have systems in place for recording incidents and that these can be easily accessed by senior management
- Provide staff with information on a ‘need to know’ basis about vulnerable children in their care

### **Other activities that may require physical contact**

In some curriculum areas, such as PE, drama or music, staff may need to initiate some physical contact e.g. to demonstrate technique, adjust posture, or support to prevent injury.

Physical contact should take place only when it is necessary, in relation to a particular activity. It should take place in a safe and open environment e.g. one easily observed by others and last for the minimum time necessary. The reason for the contact should be made clear and undertaken with the permission of the pupil and relevant to their age and understanding.

Guidance and protocols around safe and appropriate physical contact may be provided e.g. sports governing bodies. Any physical contact that causes concern or falls outside of guidance should be reported to a headteacher. Keeping parents informed of the extent and nature of any physical contact may prevent allegations of misconduct or abuse arising.

## **13. Intimate / personal care**

Schools should have Intimate/Personal Care policies which ensure that the health, safety, independence and welfare of children is promoted, and their dignity and privacy are respected. Arrangements for intimate and personal care should be open and transparent and accompanied by recording systems.

Pupils should be encouraged to be as independent as possible and to undertake as much of their own personal care as they are able to. When support is required this should be undertaken by one member of staff, with another adult in the vicinity, who is aware of the care to be provided and wherever possible they are visible and/ or audible. Intimate or personal care procedures should not involve more than one member of staff unless the pupil's care plan specifically requires this.

A signed record should be kept of all intimate and personal care tasks undertaken and the time taken. Any vulnerability should be considered when formulating the individual's care plan. The views of parents and the pupil should be actively sought in formulating the plan and in regular reviews of the arrangements.

Pupils are always entitled to respect and privacy, including when toileting and changing. However, there needs to be an appropriate level of supervision to safeguard pupils and for health and safety reasons. This should be appropriate to the needs and age of the pupils.

This means that schools should:

- Have written care plans in place for any pupil who could be expected to require intimate care
- Ensure that pupils are actively consulted about their own care plan

This means that staff should:

- Follow their school policy on Intimate and Personal Care
- Make other staff aware of the task being undertaken
- Always explain to the pupil what is happening beforehand
- Consult with others and record when there has been a variation to the agreed plan
- Where there are changing rooms, announce their intention to enter
- Consider the supervision needs of the pupils and only remain in the room when their needs require this
- Avoid any physical contact when pupils are in a state of undress

This means that adults should not:

- Change or shower in the presence or sight of pupils
- Assist with intimate or personal care tasks which the pupil is able to undertake independently

## 14. Behaviour Management

Staff should not use any form of degrading or humiliating treatment to punish a pupil. The use of sarcasm, demeaning or insensitive comments towards a pupil is unacceptable. Where pupils show difficult or challenging behaviour, the school behaviour policy should be followed, using strategies

appropriate to the situation. A positive handling plan and risk assessment should be used where there are specific needs or particularly challenging behaviour.

This means that staff should:

- Not use force as a form of punishment
- Try to defuse situations before they escalate e.g. distraction
- Follow the school policy in relation to behaviour management
- Act as a positive role model
- Avoid shouting except as a warning in an emergency
- Support any colleague in need of assistance

Further guidance can be found in each school's behaviour policy.

## 15. Use of control and physical intervention

Physical force should not be used as a form of punishment and if unwarranted or used disproportionately, could be considered a criminal offence. Where the school judges that a child's behaviour presents a serious risk to themselves or others, a risk assessment should be in place which is reviewed regularly and where appropriate a physical intervention plan, which is shared with parents. The school should ensure that staff have the appropriate training and support for this. In all cases where physical intervention has taken place, the incident and actions should be recorded. Physical intervention must always be in accordance with the School's policy on physical restraint and/or positive handling.

## 16. Sexual Conduct

It is inappropriate and illegal for a member of staff, in a position of trust, to engage in sexual activity with a pupil and could be a matter for criminal and/or disciplinary proceedings. Sexual activity includes physical activity (penetrative and non-penetrative) as well as causing pupils to engage in or watch sexual activity or the production of pornographic material. This applies even if the member of staff does not work directly with the child.

There are occasions when adults 'groom' children, to gain their trust and manipulate the relationship so that sexual abuse can take place. All staff should be fully aware of those behaviours and their responsibility to report to a senior leader, any concerns about the behaviour of a colleague, which could indicate a pupil is being groomed.

This means that staff should:

- Not have any form of sexual contact with a current pupil
- Not engage in physical relationships with ex-pupils under the age of 21
- Avoid any form of touch or comment which is, or may be considered to be indecent

- Avoid any form of communication with a pupil which could be interpreted as sexually suggestive, provocative or give rise to speculation e.g. verbal comments, letters, notes, email or social media, phone calls, texts, physical contact
- Not make sexual remarks to or about a pupil
- Not discuss sexual matters with or in the presence of pupils other than within the agreed curriculum or as part of their recognised job role

## 17. One to One Situations

Staff working in 1:1 situations with pupils are more vulnerable to allegations or complaints. Ensure that wherever possible there is visual access and/or an open door. Avoid the use of 'engaged' signs or the equivalent as they may create an opportunity for secrecy or the interpretation of secrecy.

This means that staff should:

- Avoid meeting pupils in remote or secluded areas of the school
- Inform other staff beforehand and decide whether they need to be close by or present
- Report any situation where a pupil becomes angry or distressed during this time.

## 18. Home visits

All work with pupils and parents should usually be undertaken in the school however there are situations where it may be necessary to make one-off or regular home visits. A risk assessment should be undertaken prior to any planned home visit taking place including an evaluation of any known factors regarding anyone living in the household.

This means that staff should:

- Agree the purpose for any home visit with their manager
- Adhere to agreed risk management strategies
- Avoid unannounced visits whenever possible
- Ensure any behaviour or situation which causes concern is discussed with a manager on return
- Carry out home visits in pairs wherever possible
- Should not enter the home without a parent present unless in an emergency

This means that schools should:

- Have lone-working procedures which adults are made aware of
- Ensure that a member of staff in school is aware of the address being visited and knows when the member of staff should return to school
- That staff have access to a mobile phone and an emergency contact number at school

## 19. Transporting pupils

In certain situations, staff or volunteers may be required (or offer) to transport pupils as part of their work. They should not offer lifts to pupils unless this has been agreed by a senior leader and is with an additional adult acting as an escort. It is advisable that transport is not undertaken in private vehicles.

This means:

- Staff should plan and agree arrangements with all parties in advance.
- Staff should have an appropriate licence and insurance for the vehicle and ensure they are fit to drive.
- If they need to be alone with the pupil, this should be for the minimum time possible.
- The member of staff should be aware they are responsible for the safety and welfare of the pupil until they are passed over to a parent / carer.
- The nature of the journey, route and expected time of arrival should be reported including any impromptu or emergency arrangements, and that these can be justified.
- Staff should never offer to transport pupils outside of their normal working duties, other than in an emergency where not doing so would place the child at risk. In these circumstances, it should be recorded and reported to both line manager and parents.

## 20. Educational Visits

Staff organising school visits should follow school procedures for risk assessing and follow educational visits guidance. There should always be another member of school staff present on the trip unless otherwise agreed with senior leaders. Staff should ensure that their behaviour always remains professional in the less formal atmosphere, where there may be more relaxed discipline, or informal dress code. Staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking an inappropriate relationship or friendship.

Where overnight stays are involved, careful consideration should be given to sleeping arrangements. Pupils and parents should be informed of these prior to the start of the trip. There should be a safe staff/child ratio and where appropriate a suitable gender mix.

## 21. Photography, Videos and other images

Staff should not be expected or allowed to use their personal equipment to take images of pupils at or on behalf of the school.

Images of pupils for publicity purposes will require consent from pupil and parents.

## 22. Exposure to inappropriate images

Staff should take extreme care to ensure that children are not exposed, through any medium, to inappropriate or indecent images. If indecent images are discovered at the establishment or on school equipment, the DSL should be made aware immediately and the police contacted if relevant. The images / equipment should be secured and there should be no attempt to view or delete the images as this could jeopardise any criminal action. If the images are of children known to the school, a referral should be made to children's social care. Staff should not attempt to investigate the matter or evaluate the material themselves as this may lead to contamination of evidence and a possibility, they will be at risk of prosecution themselves. Staff should keep their passwords confidential and not allow unauthorised access to equipment.

## 23. Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit or of a political or sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the lesson outcomes. This should be supported by developing ground rules with pupils to ensure sensitive topics can be discussed in a safe learning environment.

This means that staff should not:

- Enter into or encourage inappropriate discussions which may offend or harm others
- Undermine fundamental British values
- Express any prejudicial views
- Attempt to influence or impose their personal values, attitudes or beliefs on pupils

## Part Two – General Standards

### 24. Responsibilities of Employees

It is the responsibility of all employees to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their contractual duties. It is for the employee to always be impartial and honest in the conduct of their official duties and with their own dealings with the academy/Trust, and to notify the Headteacher or corporate departmental head of any change in their circumstances/interests that may impact in any way upon their employment with the Trust. (Examples of such situations may be where the employee recommends a contractor for services without declaring a potential pecuniary interest or where an employee has been involved in a criminal conviction in relation to his/her private life/interests that may have a connection/bearing upon the job he/she does).

Employees are subject to adherence to TKAT's policies and procedures, Standing Orders and Financial Regulations and are expected to use any public or Trust funds that are entrusted to them in the best way possible for the academy/Trust and its community.

The Code of Conduct forms part of the Trust's disciplinary rules for employees and should be read and cross referenced with other relevant policies and documents, for example: -

- Disciplinary procedure
- Whistleblowing policy
- Diversity and Inclusion policy
- IT and Social Media policies
- Child Protection and Safeguarding Policy
- Drug and Alcohol policy
- Gifts and Hospitality policy
- Conflict of Interest and Related party transactions policy and procedure.
- Academies' Financial Handbook
- DfE statutory guidance 'Keeping Children Safe in Education'
- HM Government statutory guidance 'Working Together to Safeguard Children'
- Any local Academy Code of Conduct

This list is not exhaustive.

All the above TKAT policies are accessible from the link below:

<https://insight.tkat.org/>

Teachers are reminded that they must adhere to the Teachers' Standards and these form part of teachers' terms and conditions of employment.

It is also the responsibility of the headteacher or corporate departmental head to monitor, where practical, that employees are conforming to this Code and to ensure that employees are fully aware of its contents.

## 25. General Standards in Dealing with People

Everyone within the Trust shares a responsibility for recognising the sensitivities and feelings of others, which may be different from their own but no less valid. In the course of carrying out their duties, employees are required and expected to treat all people, with whom they have dealings, in a courteous, polite, unbiased and respectful manner. It is recognised that given certain circumstances, there will be occasions where dialogue may become strained. Employees should then bring the discussion to a close and seek support from the headteacher/senior manager or colleagues in accordance with the relevant Academy/department procedure. Employees who are faced with abusive/violent situations are always advised, particularly where there is potential danger to themselves or others, to politely withdraw or disengage themselves from the situation.

Employees are required to maintain an acceptable standard of dialogue and must refrain from using abusive, derogatory, offensive or socially unacceptable language in the course of their duties and dealings with all people, including colleagues and pupils. In addition, body language or behaviour that may be construed as aggressive, threatening, discriminatory or offensive must be avoided at all times.

## 26. Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. Anyone can sexually harass another including a colleague, student, volunteer or visitor. Sexual harassment can be a single incident or a series of events and may be physical, verbal and non-verbal.

Examples of conduct or behaviour which constitutes sexual harassment include, but are not limited to:

### **Physical conduct**

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling or inappropriate touching
- Physical violence including sexual assault
- The use of job-related threats or rewards to solicit sexual favours

### **Verbal conduct**

- Comments about a worker's appearance, age, private life, etc
- Sexual comments, stories and jokes

- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the gender of the worker
- Condescending or paternalistic / maternalistic remarks
- Sending sexually explicit messages by phone, social media, email or hand written

### **Non-verbal conduct**

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Whistling
- Leering

Anyone can be a victim of sexual harassment regardless of their gender and the gender of the harasser. What matters is the sexual conduct is unwanted and unwelcomed by the person it is directed at. Sexual harassment is often used as an abuse of a position of power such as between line manager and employee. If sexual harassment takes place it will be dealt with in accordance with the Disciplinary Policy. This is regardless of whether it takes place on the school premises or outside, including social events, business trips, training sessions or conferences.

## **27. Relationships with Pupils, Parents, Colleagues and Governors**

Employees are required to maintain professional relationships at all times.

All employees within the Academy/Trust have a responsibility: -

- for ensuring that the Academy/Trust is a safe environment for all.
- to treat pupils, parents, colleagues and governors with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a professional position.
- for the safeguarding of pupils' well-being, in accordance with statutory provisions.
- to maintain good relationships with pupils.
- for showing tolerance of and respect for the rights of others.
- to ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.

These expectations also extend to the use of social media (please see Social Media policy).

All employees are expected to follow the policy and procedures adopted by the Trust/Local Governing Body.

Employees with a grievance against a work colleague, or headteacher, will not seek to influence the outcome by making advance representations to the Local Governing Body or Senior Managers, but will follow the Trust/Academy's Grievance Procedure.

Whilst most social and personal relationships need not present a difficulty it is recognised that there will be particular circumstances where the employee(s) concerned will need to withdraw from certain decisions or from undertaking certain roles, in order to protect themselves and the Trust from any possible criticism of unfair bias.

In the context of this Code of Conduct, a personal relationship is defined as:

- a family relationship;
- a business/commercial/financial relationship;
- a romantic/sexual relationship.

The following principles apply to all employees regardless of their job or level of seniority:

- Personal relationships between colleagues working in the same school or team, and/or where there could potentially be a conflict of interest (such as a line management or mentoring relationship), must be declared to the Headteacher, Regional Executive Director or Deputy Chief Executive Officer. This information will be recorded and treated in confidence.
- If the employee feels uncomfortable in discussing the above matters with their headteacher then he/she may inform their RED/DRED or member of the People and HR Team.
- Please also see separate guidance on declaration of interest and related party transactions.

## 28. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression and some individuals may wish to follow cultural customs. However, employees and volunteers must ensure cleanliness and neatness and that they are dressed decently, professionally, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate or in breach of the prevailing dress code, could render themselves vulnerable to criticism or allegations of misconduct.

This means that staff should wear clothing that:

- Promotes a positive and professional image
- Is appropriate to their role
- Could not be viewed as offensive, revealing or sexually provocative

- Does not distract, cause embarrassment or give rise to misunderstanding
- Is absent of any political or otherwise contentious slogans
- Is not considered to be discriminatory
- Complies with any Academy Dress Code.

Tattoos, piercings and jewellery must comply with local Academy dress codes.

All dress codes should be based on the principle that dress and appearance should not be a distraction to learning nor should it compromise health and safety.

## 29. Hospitality, Gifts, Rewards and Favouritism

Casual gifts from pupils or offered by contractors or others, for example at Christmas or the end of term time, which may not in any way be connected with the performance of duties so as to constitute an offence under the Prevention of Corruption Acts, need not necessarily be refused. However, if there is any concern that the donor (for example a parent, supplier or contractor) may be trying to gain favour then they should be politely and firmly refused or employees should seek guidance from their headteacher or manager.

There are occasions when pupils or parents provide small gifts to staff, to show appreciation such as at Christmas or at the end of the year, which is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value (£20) in line with the TKAT Gifts and Hospitality policy.

It is inadvisable to give personal gifts to pupils or their families. This could be interpreted as a gesture to bribe or groom. It may also be perceived that something is expected in return. Any rewards given to pupils should be in accordance with agreed practice, consistent with the school's policy, recorded and not based on favouritism.

Recognising that the interests of the academy/Trust must remain paramount at all times, and that employees should not use their official position for private gain, employees should not accept gifts, inducements or promotional offers for their personal use or that of colleagues

Employees should not, for personal gain or benefit, solicit, accept or request payment by way of money, goods, services, discounts or any other means from any academy/Trust agent, contractor, supplier or a member of the public. Nor should an employee accept or request payment from any pupil at the academy, unless this arrangement is agreed by the head teacher/Governing Body and is for the financial benefit of the Trust.

No employee is entitled to retain on a personal basis any goods, gifts, money or service discounts which may result from a normal purchase or promotional offer to the academy or Trust. Where gifts are received which are the subject of a normal purchase or promotional offer, or where a gift is made and the donor refuses to take the gift back, these must be reported immediately to the head teacher/corporate departmental head. If any employee is unsure whether the acceptance of hospitality is likely not to be in the Trust's interest, they should seek the advice of the head teacher/manager in the first instance.

Any employee who is approached by a firm offering inducements, or who believes that they have inadvertently committed the Trust contractually for supplies and services that are not in the best interests of the Trust, must immediately notify the headteacher or corporate departmental head.

The academy or department's budget must not be used for hospitality, that is lavish, extravagant or exceeds modest proportions.

Further details can be found in the TKAT Gifts and Hospitality policy.

### 30. Equality Issues

The Trust is committed to ensuring that people receive equal treatment in all aspects of our service delivery, education and employment activities. Employees, therefore, in all aspects of their work, must ensure that they treat no individual less favourably than any other. Colleagues, employees, pupils, service users and the general public must be treated with dignity and respect.

Employees should make sure that they are familiar with the Trust's policy in respect of Diversity, Equal Opportunities and Inclusion.

Everyone should make reasonable efforts to develop and maintain appropriate skills in valuing diversity and in promoting equality of opportunity and inclusion however and whenever they can.

### 31. Conflicts of Interest & Work outside the Trust

All employees, no matter what level of pay, are advised not to engage in outside activities whether paid or unpaid that may conflict with their academy/Trust work, or be detrimental to it. All employees are advised to seek permission from the headteacher/corporate departmental head in relation to undertaking such activities, and it will be for the headteacher/LGB/Trust SLT to determine whether the interest of the Trust is likely to be harmed.

Where the activity is paid, the employee should ensure they notify the Head teacher/Departmental Head so that the Trust can meet its responsibilities regarding the Working Time Regulations, Health & Safety and any other legal responsibilities. Once the headteacher/Departmental Head has considered the likely impact, if it is detrimental to the Trust permission will not be given.

Where paid activities are undertaken for third parties during normal working time (eg OFSTED inspections), this payment must be made to the Academy / Trust and not retained by the individual. This work must always be with the permission of the Regional Executive Director, Deputy CEO or CEO.

## 32. Awarding Contracts

The Trust wishes to ensure that in awarding contracts, fair and open competition prevails at all times. This therefore means that:-

- No private, public or voluntary organisation or company which may bid for TKAT or academy business should be given any advantage over its competitors, such as advance notice of the academy or Trust's requirements. This applies to potential contractors, whether or not there is a relationship between them and the academy/Trust, such as a long running series of contracts.
- Each new contract must be awarded on merit, taking into account the requirements of the Trust and the ability of the contractor to fulfil them.
- No special favour should be shown to current or former employees or their close relatives, friends or associates, or governors in awarding contracts to private or other businesses run by them or employing them in a senior or managerial capacity. During a tender process, contracts may be awarded to such businesses where they are won in fair and open competition against other tenders or quotations, but care must be taken to ensure that the selection process is conducted impartially, and that employees/governors who are known to have a relevant interest play no part in the selection. These transactions are subject to prior notification to and in some cases prior approval by the ESFA.
- The Trust/Governing Body will ensure that all invitations to potential contractors to tender for TKAT business include a notice warning tenderer of the consequences of engaging in any corrupt practices involving employees of the academies/Trust.
- All contracts and tendering processes must support the Trust's declared position on Modern Slavery throughout the supply chain.

Employees should therefore ensure that, where they believe that there may be a potential conflict of interest in the selection of any contractor, they inform the headteacher/Chair of Governors/departmental head to determine or clarify the level of their involvement in the selection process.

Employees' attention is also drawn to the issue of influencing, or potentially attempting to influence, the decision as to whether a person who is related, or known to an employee, is offered a contract of employment with the Trust. In the event that a relative applies for a post with the academy or in a corporate function, the applicant must record their relationship as a part of the application form. Likewise the employee is required to inform the headteacher/Chair of Governors/manager in writing of his/her relationship and should ensure that they do not take part in, or attempt to influence in any way, the recruitment selection process. Employees are advised, that where anyone who is "closely" known to them outside of the Trust, applies for a post within the Trust, that they should not become involved in any way with the selection process for that particular post.

### 33. Hospitality and the acceptance of gifts

Recognising that the interests of the academy/Trust must remain paramount at all times, and that employees should not use their official position for private gain, employees should not accept gifts, inducements or promotional offers for their personal use or that of colleagues. Casual gifts from pupils or offered by contractors or others, for example at Christmas or the end of term time, which may not in any way be connected with the performance of duties so as to constitute an offence under the Prevention of Corruption Acts, need not necessarily be refused. However, if there is any concern that the donor (for example a parent, supplier or contractor) may be trying to gain favour then they should be politely and firmly refused or employees should seek guidance from their headteacher or manager.

Employees should not, for personal gain or benefit, solicit, accept or request payment by way of money, goods, services, discounts or any other means from any academy/Trust agent, contractor, supplier or a member of the public. Nor should an employee accept or request payment from any pupil at the academy, unless this arrangement is agreed by the head teacher/Governing Body and is for the financial benefit of the Trust.

No employee is entitled to retain on a personal basis any goods, gifts, money or service discounts which are a normal purchase or promotional offer to the academy or Trust. Where gifts are received which are the subject of a normal purchase or promotional offer, or where a gift is made and the donor refuses to take the gift back, these must be reported immediately to the head teacher/corporate departmental head. If any employee is unsure whether the acceptance of hospitality is likely not to be in the Trust's interest, they should seek the advice of the head teacher/manager in the first instance.

Any employee who is approached by a firm offering inducements, or who believes that they have inadvertently committed the Trust contractually for supplies and services that are not in the best interests of the Trust, must immediately notify the headteacher or corporate departmental head.

The academy or department's budget must not be used for hospitality which is lavish, extravagant or exceeds modest proportions.

### 34. Commercial Confidentiality/ General Data Protection Regulations 2018 (GDPR)

Other than protected disclosures (Whistleblowing) employees must not make public, without the express agreement of the head teacher/Chair of Governors/Trust SLT as part of the normal processes of the academy/Trust, any internal information that they may be aware of as part of their employment with the Trust, whether or not this is for personal gain, or the personal or financial gain of others. This is particularly important where it may prejudice the principle of a purchasing or a contracting system based on fair competition. Employees are also bound by the General Data Protection Regulations (2018) in not releasing to a third party, other than for internal purposes as part of normal required work requirements, any information held in respect of any employee or person who has dealings with the academy/Trust for any reason.

## 35. Criminal Offences

In many instances, the conviction of an employee for a criminal offence remains a matter between the individual and the Criminal Justice System. In respect of teachers such convictions may be notified to the Teaching Regulation Agency which, in turn, may notify the academy/Trust. However, certain crimes, or the fact that they have been committed by certain employees, do have a potential direct or indirect impact on individuals' employment with the academy/Trust where it either constitutes a conflict of interest, brings the Trust into disrepute or renders continuing employment in the job unlawful.

Examples of crimes that are likely to fall into this category include:

- any crime involving dishonesty/fraud if the employee's post involves responsibilities for budgets/cash/non-cash monies/ assets or where s/he has access to vulnerable people in a lone-working situation or manages contracts.
- any crime or spent crime if the employee is working directly with, or has regular unsupervised contact with, children or young people under 18 years of age. (Note: disclosing all convictions does not necessarily mean action will be taken against the employee, as it will need to be viewed against the relevance or otherwise for the employee to be considered suitable to continue to undertake the particular job).
- crimes of assault where the employee is working directly with children or young people.
- any crime or repetition of criminal activity that could be deemed to bring the academy, Trust or profession into disrepute, or that could prevent the employee from acting as a role model to children in the Trust.

This list of examples is not exhaustive.

Employees **must** inform the headteacher/Chair of Governors/corporate departmental head as soon as they receive a reprimand, warning, caution or are investigated, arrested, charged or convicted of such crimes (or on the next working day) and if arrested, must notify the headteacher/Chair of Governors/manager of the development and outcome of the case immediately e.g. on the same or next working day.

In addition, employees should always notify the headteacher/Chair of Governors/departmental head if there is any doubt as to whether or not they fall into such a category. In certain circumstances, employees should notify their line manager if an immediate family member who resides at the same address is also investigated, arrested, charged or convicted. One example could be where an employee working with children has a current relationship with an individual or is known to associate with individuals who have convictions for child abuse or is arrested in relation to such charges. The employer may not have raised any concern regarding their activity at work but their out of work relationships would call into question their position of trust and may be considered as bringing the academy/Trust into disrepute. In such circumstances, the Trust will always look to take a sympathetic and supportive approach to the associated party.

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 headteacher/Chair of Governors/departmental head of a Police investigation, arrest, charge or conviction will constitute grounds for disciplinary action.

Where it is deemed that there may be an adverse impact on their employment, the academy/Trust's disciplinary procedure will be invoked. The Academy/Trust is not required to wait for the Criminal Justice or other legal system to run its course before commencing disciplinary investigations.

### 36. Driving Disqualification

Employees whose job requires a driving licence, must immediately inform the headteacher/Chair of Governors if they are disqualified from driving for medical or criminal reasons.

For those employees disqualified from driving on the grounds of medical reasons, all reasonable efforts will be made to redesign the job to exclude the requirement to drive (either temporarily or indefinitely).

For those employees disqualified from driving on the grounds of criminal reasons, reasonable efforts will be made to redesign the role or redeploy the employee. Where this is possible, but results in a lower paid job, no pay protection will apply. In either case, should there be no reasonable alternative and the ability to perform the role is significantly affected, dismissal (subject to due process) may be a potential outcome.

### 37. Use of Trust or Academy Facilities

Facilities that are provided by the Trust or academy and used by employees as part of their normal duties must not be used, or abused, by employees for their own private use or gain. This will cover all academy property, for example telephones, computers, vehicles, safety equipment/clothing, tools, fax machines, franking machines, paper. etc. Academy or Trust property should not be taken home, or taken away from the normal place of work, unless prior permission has been given by an employee's immediate supervisor/manager or unless these are acceptable resources to fulfil the contractual requirements of the job at home (for example planning, preparation and marking).

The Trust anticipates the following resources may be utilised at home, for professional use by the **employee only** and in line with the Trust's IT policies:

- Laptop computer
- Text books
- Mobile phone

Arrangements do exist, for employees in certain situations and without abusing the privilege, to use academy/Trust telephones to make private calls.

### 38. Sanctions for the Breach of the Code

Any breach of this Code therefore may be dealt with under the Trust's agreed disciplinary policy, and may, subject to the seriousness of the breach, lead to dismissal from the Trust. In cases where the breach is the subject of police investigation, the Trust will not necessarily wait for the Criminal Justice or other legal system to run its course before commencing disciplinary investigations.