

The Mercian Trust

Staff Code of Conduct

Policy Owner	The Mercian Trust
Policy Author:	Insight HR Ltd
Date Ratified by Trust Board	January 2021
Date to be Reviewed:	January 2022
Date Adopted	January 2021

Code of Conduct for all staff employed by The Mercian Trust

1. Purpose

The Mercian Trust expects high standards of conduct from all employees. This Code of Conduct (“the Code”) outlines the rules that apply to all staff employed in the Trust and provides guidance to help keep to them and ensure the highest standards of conduct. The Code sets out the minimum standards that are expected of employees and provides a framework that will help to prevent misunderstandings or criticism.

2. Roles and Responsibilities

Trustees and Governors: Trustees and members of each local governing body have a general role in ensuring that appropriate standards of conduct are established and maintained. Trustees and governors may also be involved in dealing with specific declarations made by employees under the Code, where appropriate.

Headteacher/Principal: The Headteacher/Principal is responsible for ensuring that staff are made aware of the Code as part of their induction programme and ongoing staff training. They may also consider declarations made by employees under the Code and will ensure appropriate action is taken to deal with any alleged breaches.

Employees: All staff employed by The Mercian Trust are required to keep to the standards of the Code and carry out their duties honestly and fairly. Failure to do so is a serious matter and could result in disciplinary action, including dismissal. Employees should therefore ensure that they read the Code carefully and contact their immediate line manager or the Headteacher/Principal if they have any queries.

3. Policy statement

The Mercian Trust endorses the following ‘Nolan Principles’:

- **Selflessness**
Employees should take decisions by thinking only of the public interest within the Trust. They should not do so in order to gain any benefits for themselves, their family or their friends.
- **Integrity**
Employees should not put themselves under any financial or other obligation to any outside person or organisation that might influence them inappropriately in their work. Employees should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
- **Objectivity**
Employees must act and take decisions impartially, fairly and on merit, using the best evidence available and without discrimination or bias.
- **Accountability**
Employees are accountable to the Trust for their decisions and actions and should be open to whatever questioning is appropriate to their role.

- **Openness**
Employees should act and take decisions in an open and transparent manner. Furthermore, employees should give reasons for the decisions and actions they take. They should restrict information only when the wider public interest clearly requires this.
- **Honesty**
Employees should carry out their duties honestly and have a duty to declare any private interests to do with their role in the Trust. They must resolve any possible conflicts of interest in a way which protects the interests of the Trust
- **Leadership**
Employees should promote and support these principles by leadership and example.

The Mercian Trust also expects employees to operate in accordance with the Codes of Conduct provided by their relevant professional bodies.

4. Standards

All employees are expected to perform to the highest possible standard and to carry out their duties honestly, fairly and with integrity.

All employees must report to the Headteacher/Principal, or in the case of an allegation against the Headteacher/Principal the Chair of Governors anything illegal, improper or a breach of procedure. The Headteacher/Principal or Chair of Governors must record, investigate and take appropriate action on such reports. Please refer to the Trust's Whistleblowing Policy for further information.

5. Safeguarding welfare of children and young people

All employees of the Trust are required to work within the 'Guidance for Safer Working for Adults who work with Children and Young People' provided by the DfE and any additional guidance provided by the Trust. This aims to safeguard children and young people and reduce the risk of staff and other adults in schools being falsely accused of improper or unprofessional conduct. Please refer to the Safeguarding Policy for further details.

Employees who receive information about allegations of child abuse should report such information to the appropriate person as detailed in the safeguarding policy.

6. Duty of Care

Teachers and other staff are accountable for the way in which they exercise authority; manage risk; use resources; and protect students from discrimination and avoidable harm. The duty is exercised through the caring and professional relationships between staff and students and behaviour by staff is demonstrated through integrity, maturity and good judgement. When accepting a role with children and young people staff need to understand and acknowledge the responsibilities and trust inherent with the role.

Employers also have a duty of care towards their employees which requires them to create a safe environment in which they work.

7. Power and Positions of Trust

All adults working with children are in a position of trust in relation to the young people within their care. This is not a relationship of equals and there is a potential for exploitation and harm of vulnerable young people. Staff therefore have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff at all times should avoid behaviour which may be misinterpreted by others and report and record any incident with this potential.

Where a person age 18 or over is in a position of trust with a child under 18, it is an offence for that person to engage in any sexual activity with or in the presence of that child or to cause or incite that child to engage in or watch sexual activity.

Where a person is aged over 18 and in a position of trust tries to establish a relationship with someone who has recently left school this will cause serious concern and will be treated as a breach of trust established in that prior relationship.

8. Confidentiality

Members of staff will have access to confidential information in order to undertake their everyday responsibilities. In some cases, this may be highly private or sensitive information. Employees should never use this information for their own or others advantage. Information should also never be used to intimidate, humiliate or embarrass a student.

In circumstances where a student's identity does not need to be disclosed the information should only be used anonymously.

9. Infatuations

Staff should all be aware that it is not uncommon for students to develop a strong attraction or become infatuated with them. They should also be aware that such circumstances carry a high risk of words or actions being misinterpreted and for allegations to be made against staff.

If a member of staff becomes aware of such a circumstance, they should report it immediately.

10. Communication with students

All communication between staff and students should have explicit and clear professional boundaries – this includes the wider use of technology and platforms.

Staff should never under any circumstances share their personal information with students. They should not request, or respond to requests from students. **All communication should be transparent and open to scrutiny.**

Where a relationship exists outside of school (such as being personal friends with parents of a student outside of school) social networking is acceptable but caution and professional judgment must be exercised where all communications may be in the public arena ensuring they do not compromise themselves or the school.

Adults should also be aware of their communications which could cause possible misinterpretation of their motives or any behaviour which could be construed as grooming.

Communication with ex-students should **also be approached with caution** and any actions which could potentially bring the school into disrepute could lead to disciplinary action.

11. Physical Contact

There are occasions when physical contact with a student is appropriate, but it is important it is done so in an appropriate manner to their professional roles. Staff should use their professional judgment at all times.

Physical contact should never be secretive, for gratification of the adult, or represent a misuse of authority. If a member of staff believes an action could be misinterpreted, they should report it immediately.

Physical contact which happens on a regular basis may give rise to questions being asked and should be avoided unless the justification for this is part of a formally agreed plan (e.g. a child with SEN or physical disabilities) In circumstances such as these the contact should be subject to an agreed plan and also subject to review.

Some staff such as PE or music teachers will on occasion have to have physical contact with a student to demonstrate the use of a particular piece of equipment/instrument or assist with an exercise. This should be done with the student's agreement, take the minimum time necessary to complete the activity and in an open environment.

12. Supervision

Students are entitled to privacy and respect when changing clothes or taking a shower. There does however need to be an appropriate level of supervision in order to safeguard students. This is to satisfy health and safety requirements and to ensure bullying doesn't occur. Staff in these circumstances need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the students.

13. Transporting Students and Extra Curricular Activities

In certain circumstances staff or volunteers may agree to transport students. A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties which may arise.

Where possible, transportation should not take place in private vehicles and another adult additional to the driver should act as an escort. The driver must have the appropriate insurance and the vehicle meets all other legal requirements.

Staff would take particular care when supervising students in a less formal environment such as on a residential or after school activity. Staff must remember they are still in a position of trust and should ensure that their behaviour cannot be misinterpreted as trying to establish an inappropriate relationship or friendship.

14. First Aid and Administration of Medication

The school has an individual policy for First Aid and administration of medication which must be adhered to at all times.

15. Disclosure of information

The Trust recognises the importance of an open and transparent culture with clear communication and accountability. The law requires that certain types of information must be open to governors, auditors, government departments, service users and the public. An employee should always check first with the Headteacher/Principal if they are in any doubt as to whether the particular information should be released. The Headteacher/Principal may seek advice from the Trust.

Employees must not use any information they obtain in the course of their employment for personal gain or benefit. In addition, employees must not pass information on to others who might use it for their own personal gain.

Employees must only give confidential information or documents to those who have a legitimate right to them. They can only give out information in accordance with the requirements of the Data Protection Act 1998. Please refer to the Trust's Data Protection Policy for further information.

Information given to employees in the course of their duties should be accurate and fair and not designed to mislead. If an employee believes that information should be disclosed in the public interest, they should follow the Trust's Whistleblowing Policy. A failure to follow such may result in disciplinary action.

Employees other than the Headteacher/Principal should not make statements directly to the press or other media without first obtaining the approval of the Trust except in the case of trade union representatives who are communicating with the media in that role. Headteachers/Principals should consult with the Trust before making statements to the press or other media on major policy issues and before making appearances on TV or Radio.

16. Political neutrality

Employees must not allow their own political opinions to interfere with their work and must at all times perform their duties in an objective manner.

Employees may not display political posters, including election material in areas of school premises or Trust buildings which members of the public have access to.

Trade union representatives may display trade union/association views on current issues on the appropriate authorised notice boards within Mercian schools.

Where political views are brought to the attention of students within the Trust or during extracurricular activities, they should be in the form of a balanced presentation of opposing views.

17. Relationships

With Governors: Mutual respect between employees and Governors is essential to good governance. An employee who believes that a Governor has acted improperly towards them may report the matter to their **Headteacher/Principal/Chair of Governors** who will take appropriate action.

With the local community and students: Employees are expected to be polite, efficient, fair and impartial when they provide services to all students, groups and individuals within the community they serve.

With contractors and suppliers: All relationships of a business or personal nature outside work with external contractors or suppliers must be declared to the Headteacher/Principal/Trust at the earliest opportunity. Orders and contracts must be awarded on merit and no special favour should be shown to individual or company.

18. Recruitment and other employment matters

Employees involved in appointing people to posts should ensure that they follow the Trust's Safer Recruitment Policy.

All appointments should be made on the basis of the ability of the candidate and all employees involved in making appointments should ensure that they are made on the basis of merit.

In order to avoid any possible accusation of bias, employees must not be involved in any appointment where they are related to or have a close personal relationship outside work with the person applying. Employees shall disclose to the Headteacher/Principal/Chair of Governors/Trust any relationship with any person who they know is an applicant for a post at the Trust.

Employees should not be involved in, or try to influence, decisions relating to discipline, promotion or pay for any employee who is a relative or with whom they have a close personal relationship outside work.

A "close personal relationship" would include a person not employed by the Trust with whom an employee has a close business connection.

Personal relationships between colleagues who work together can give rise to conflicts of interest. Therefore, employees who have entered into a close personal relationship or a romantic relationship with a colleague are required to disclose this to the Headteacher/Principal/Chair of Governors/Trust. Any information disclosed or declared should be treated in the strictest of confidence and recorded on both employees' personnel files.

19. Commitments outside work

Employees' off-duty hours are their private concern as long as they do not:

- Put their private interests before their duty to the Trust;
- Put themselves in a position where their duty to the Trust and private interests conflict or could appear to conflict; or
- Do anything which could adversely affect their suitability to carry out their duties or the reputation of the Trust.

Teaching staff and support staff graded above Scale 6 (or its equivalent) may not carry out any other business or take up any additional employment without the permission of the Trust via their Headteacher or Central Team Executive Leader. The Trust will not unreasonably prevent employees from carrying out other employment. However, this

employment must not, in the view of the Trust, conflict with its interests and specific conditions may be set out to manage this.

The following conditions apply to all commitments outside work:

- Employees must not carry out private work (whether paid or unpaid) relating to the Trust without permission from the Trust;
- Employees must not carry out any work related to a private interest (including taking or making telephone calls) during normal working hours;
- Employees must ensure that any additional hours worked do not contravene the Working Time Regulations 1998 or otherwise give the Trust cause for concern relating to health and safety at work;
- The outside work must not damage or potentially damage public confidence in the Trust's conduct or business;
- An employee must not use the Trust's facilities, equipment or confidential information; and
- All approvals will be reviewed regularly and may be withdrawn if thought necessary.

Some staff, particularly teachers, may wish to use their professional expertise to do other work, for example examination marking or private tuition. It is recognised that this can be of value to the Trust. The Trust will not normally prevent employees from undertaking additional employment if it is satisfied that it does not conflict with the interests of or weaken public confidence in Trust.

The provisions of this section are not intended to apply to trade union officers engaged in legitimate trade union duties and activities.

20. Conduct outside work

Whether in or outside work, employees must not conduct themselves in any way that creates doubt as to their suitability for their post or in a way that would bring the Trust into disrepute. This would include conduct which would bring an employee's suitability to work with children into question.

All employees working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people in their care. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and their colleagues.

There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in the workplace or indicate unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Employees in contact with children and young people should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than Trust premises.

The behaviour of an adult's partner or other family members may raise similar concerns and may require careful consideration by the Trust as to whether there may be a potential risk to children and young people in the workplace.

21. Personal interests

Employees must declare to the Trust's online form, any financial or non-financial interests that could conflict with the Trust's interests.

Section 117 of the Local Government Act 1972 requires employees to make a formal declaration about any contract with the Trust or local authority where they have a financial interest, as set out in Annex A. Employees should complete the appropriate online form to declare to the *Trust*. This is available from your Headteacher or the Trust Central Team.

Failure to comply with this requirement is a criminal offence.

Employees must not be involved in decisions about matters in which they have a personal interest.

Employees must declare membership of any organisation that is not open to the public, does not have formal membership and has secrecy about rules, membership or conduct. A definition of such an organisation is provided in Annex B. Employees should complete the appropriate online form.

If an employee is in doubt as to whether there is a conflict of interest, they should seek further guidance from the MAT Central Team.

22. Equality

All members of the local community, parents, carers and employees have a right to be treated fairly and equally. Employees must follow the Trust's policies on equal opportunities, in addition to the requirements of the law.

23. Tendering procedures

Employees should act fairly and impartially when dealing with tenders, contractors and sub-contractors.

Employees should ensure that any personal interests which may be relevant to tenders are declared in accordance with paragraph 11 of the Code.

Can we insert a link to the form please or it may be an idea to include them as an Annex if they are going to be distributed hard copy. Employees involved in the tendering process or dealing with contractors should make sure that they are aware of the separate roles of clients and contractors. A summary of key legal conditions is provided in Annex C.

Employees must deal fairly and impartially with all customers, suppliers, contractors and sub-contractors.

Employees who access to confidential information on tenders or costs relating to contractors must not give that information to any unauthorised person or organisation.

24. Corruption

It is a serious criminal offence under the Prevention of Corruption Acts for employees to corruptly receive or give any gift, loan, fee, reward or advantage or to show favour or disfavour to any person. If an allegation is made it is for the employee to prove that any rewards have not been corruptly gained or given. A summary of the legal provisions appears in Annex D.

Employees should report any suspicions in relation to any conduct or activity which may be aimed at obtaining some form of preferential treatment to the Headteacher/Principal. Please refer to the Trust's Anti-corruption and Bribery Policy for more information.

25. Use of financial resources

Employees involved in financial activities and transactions must follow the Trust's financial regulations and guidance and the Academies Financial Handbook.

Employees must use public funds in a responsible and legal way, try to make sure that the Trust provides value for money to the local community and avoid legal challenges to the Trust.

26. Gifts, Hospitality and other benefits

Staff should refer to the Trust's Gifts and Hospitality Policy for further information.

The offer of gifts or benefits in kind to employees (or their partners or family members) arising from their official duties could cause a conflict between their private and public interests.

Unless the exceptions below apply, employees should refuse any personal gift offered to them, their partner or family member by any person or organisation who has dealings with the Trust. Employees must declare any offer on the Trust's online form and say what action they have taken. The exceptions are:

- Gifts or hospitality up to £50.00 in value, including:
- Gifts made at the end of a courtesy visit to an organisation that are of a promotional nature and of a kind normally given by the organisation;
- Gifts of token value such as diaries, calendars and pens; or
- Gifts of token value given by students or parents at Christmas or at the end of term.

All gifts or hospitality over £50.00 must be declared.

As offering gifts is a common practice in the business world particularly at Christmastime, the Trust may decide the gift should be returned. If, for example, a gift is simply delivered to an employee's place of work, there may be a problem returning it, in which case, it should be immediately reported to the Headteacher/Principal who will decide on the appropriate action.

A modest amount of hospitality is a normal part of public life but it is important not to risk undermining public confidence or allow it to appear that it may improperly influence the way in which employees carry out their duties. Hospitality is sometimes offered to employees in a formal capacity, such as attending exhibitions, seminars, sporting events, shows or concerts.

Employees must be particularly careful if they are offered hospitality by someone who wants to do business with or obtain a decision from the Trust. It is important to avoid any suggestion of improper influence. Employees should accept an offer of hospitality only if they genuinely need to go to an event to receive or give information, represent the Trust in the community or make prior visits to check arrangements, particularly in relation to health and safety (for commercially organised visits, journeys or activities involving students). They should only accept offers to attend purely social or sporting occasions if these are part of the life of the community or the Trust should be seen to be represented. If hospitality has to be declined, this should be done politely with an explanation of the Trust's rules on hospitality.

Employees should use the Trust's online form to notify all offers of hospitality to the Headteacher/Principal. This is not required if the hospitality is below £50.00.

27. Dress and Appearance

All staff should consider the manner in which they dress and ensure that their appearance is appropriate to their professional role. Staff should ensure they are dressed professionally and appropriately for the tasks they undertake.

Your dress and overall appearance is, on most occasions, what communicates a first impression to students, parents and visitors to the school.

You should therefore ensure your appearance...

- is smart, not casual
- is appropriate to the activity you are undertaking
- is not likely to 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 messages or images
- is not considered to be discriminatory

Practical examples:

For a male member of staff, teaching in a classroom environment, trousers, shirt and tie are appropriate. Jeans and T-shirt are not.

For a female member of staff, teaching in a fitness studio, black leggings and school branded T-shirt are appropriate, a dress is not.

For members of staff meeting with employers, community leaders or other external visitors, a business suit is appropriate.

28. Sponsorship

The above rules relating to gifts and hospitality also apply where an outside organisation wishes to sponsor or is approached to sponsor a Trust activity. This may be by invitation, tender, negotiation or voluntarily. Employees should be particularly careful when dealing with current or potential contractors. Any employee who, or whose partner or family member, would directly benefit from sponsorship of an activity by the Trust, must declare this on the Trust's online form. Employees must give impartial advice and avoid any conflict of interest where the Trust gives support in the community through sponsorship, grant aid or financial or other means.

29. Retention and Access to Declarations

Declarations made on Trust's online forms are subject to the retention periods and access categories set out below:

Declaration	Retention	Access
Relationship with external contractor or supplier	Kept for 6 years	Public access
Approval for outside interests	Kept for 6 years	Internal access
Declaration of personal interests	Kept for 6 years	Internal access
Financial interest in contract	Kept for 6 years	Public access
Membership of secret societies or organisations	Kept for 6 years	Access controlled by monitoring officer
Offers of gifts	Kept for 6 years	Internal access
Offers of hospitality	Kept for 6 years	Internal access

Public access is allowed in situations that can raise particular public concerns (since they relate to financial interests) and the public interest in being able to see that appropriate declarations are made and the extent to which employees have such relationships overrides the need to protect the personal privacy of employees.

Internal access by Governors, members of the Trust, councillors, local authority officers or district audit concerns declarations that relate primarily to the personal interests of employee. This is to maintain a balance between public interest and privacy issues.

30. Relationships with other policies and procedures.

Employees should ensure that they perform their duties in accordance with all policies and procedures adopted by the Trust. In particular, employees' attention is drawn to the following policies:

- **Anti- bribery policy:** This procedure should be used to deal with concerns regarding conduct or activity where the objective is to obtain some form of preferential treatment.
- **Disciplinary Procedure:** This procedure should be used to deal with an allegation against a member of staff that they have acted in breach of the Code.
- **Safeguarding Policy:** This policy should be followed if an allegation concerns the abuse of a child.
- **Whistleblowing Policy:** This should be followed to disclose information which relates to suspected wrongdoing or dangers at work.

31. Monitoring and review

Feedback is encouraged on the effectiveness of this Code of Conduct. It will be reviewed regularly to ensure it is appropriate in light of recommended best practice and complies with employment law. In the event of any conflict with statute, the legal provisions will have precedence over this policy in all cases.

The Trust should monitor the application of this Code of Conduct, particularly to ensure that its practices comply with it and are not discriminatory.

Annex A - Section 117 of Local Government Act 1972

If it an employee becomes aware that they have a direct or indirect financial interest in a contract which the Trust or local authority has entered into or intends to enter into, they must declare this immediately.

An employee must not accept any fee or reward other than their normal salary.

If an employee breaks either of the conditions shown above, they can be prosecuted and fined. The maximum fine is Level 4 on the Standard Scale.

Annex B - Local Government Competition Regulations

The following summarises some of the key principles to be observed:

All employees should:

- avoid acting in a way which restricts or prevents competition or is likely to have that effect;
- do nothing that would distort or inhibit competition; or
- treat outside bidders or contractors equally with the authority's direct service organisation. For example, information given to the direct service organisation about the work which is subject to competition must be made available to all bidders.

Annex C - Prevention of Corruption Acts 1906 and 1916

Under the Prevention and Corruption Acts 1906 and 1916 it is an offence for employees to accept any gifts or other benefits for:

- doing, or not doing, anything in their official capacity; or
- showing favour or disfavour to any person in their official capacity.

Under the Prevention of Corruption Act 1916 any money, gift or consideration received by an employee from a person or organisation holding or trying to get a contract will be treated as corrupt unless the employee proves differently.