



Employee code of conduct

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1. Introduction

- 1.1. This Code of Conduct for Employees is based on key principles arising from the work of the Nolan Committee on standards in public life; it outlines the minimum standards that all Trust employees, casual workers, agency staff, contractors and volunteers must adhere to.
- 1.2. The purpose of this code is to promote consistency and make all employees aware of their responsibilities whilst engaged in work for the Trust, by specifying standards of behaviour and by clearly defining rules concerning official conduct.
- 1.3. Employees must comply with this Code as it forms part of their terms and conditions of employment. Some schools/academies within the Trust may also issue supplementary codes of practice on employee conduct. These and the Trust's security policies and codes of practice must also be complied with at all times.
- 1.4. The Trust believes that employees are responsible for their actions. It is the responsibility of employees to read the Code. If any of the provisions contained within this Code of Conduct and related codes of practice are not fully understood employees must, in their own interests, seek clarification from their Headteacher or line manager. Managers should take in to account the translation and interpretation needs of the individual. This Code can be made available in other languages and formats on request.

2. Scope

- 2.1. This policy relates to all schools and settings across Nexus MAT and supersedes any local policies and procedures that have been in use prior to the academy conversion. Where required, an individual Nexus MAT academy – in agreement with the Trust Chief Executive Officer - may publish a supplementary policy guidance document or procedure in line with this policy, to ensure that any idiosyncrasies associated with that specific school are covered in their local policy library.

3. Standards

3.1. General

3.2. Children, their families and members of the public expect the highest standards of behaviour from Nexus Multi Academy Trust employees. Public confidence in employees' integrity would be shaken by the least suspicion that they could be influenced by improper motives. Employees must not put themselves in a position where their honesty or integrity could be called into question. Employees should be aware at all times about the potential for public perception to be different to their own and avoid placing themselves at risk of allegation of wrongdoing at all times.

3.3. The Trust reserves the right to monitor its employees, including surveillance, in accordance with Trust Policy and the law to ensure that the provisions of this Code of Conduct are adhered to.

3.4. Employees will be expected, without fear of recrimination, to bring attention to the appropriate level of management, concerns about how Trust (and individual school) resources are managed or provided. The Trust operates a Confidential Reporting Code (Whistleblowing) and employees must report to the appropriate manager any impropriety or breach of procedure.

3.5. All employees have the legal right to request **flexible working**. Employees can apply for flexible working if they've worked continuously for the same employer for the last 26 weeks. This is known as 'making a statutory application'. Employers must deal with requests in a 'reasonable manner'. They should assess the advantages and disadvantages of the application; hold a meeting to discuss the request with the employee, then offer an appeal process if the application is rejected. An employer can only refuse an application if they have a good business reason for doing so - which involves weighing up the benefits for the employee and the school/college against any potential adverse business impact. Reasonable grounds for rejecting a request would be:

- the burden of additional costs;
- an inability to organise work amongst existing staff;
- a planned structural change to the business;
- a detrimental effect on performance, quality, or on the ability to meet customer demand;

- insufficient work for the periods the employee proposes to work;
- an inability to recruit additional staff.

3.6. Part-time workers are protected from being treated less favourably than equivalent full-time workers just because they're part time. You can find out more about part-time worker rights at <https://www.gov.uk/part-time-worker-rights> and: [Acas part time working](#). It is important to note that all posts, whether on full time or part time contracts, should be manageable and sustainable for the individual.

3.7. The DfE has also published guidance on flexible working in schools: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593990/DFE_Flex_Working_Guidance_2017_FINAL.pdf

3.8. Other general standards of conduct are set out in the Trust's disciplinary procedure and summarised below. The standards of conduct and behaviour are intended to promote fair and consistent treatment of individuals, apply to all employees of the Trust and will be regarded as part of each employee's contract of employment.

3.9. Attendance

3.10. All employees are expected to attend regularly and punctually, not to absent themselves from duty without permission and to perform their duties in a manner, which combines prompt and efficient service with a concern for the feeling of others, including colleagues, managers, children and members of the public.

3.11. Health and Safety

3.12. In respect of Health and Safety all policies and procedures must be observed at all times. All employees are reminded that the Trust operates a no smoking policy, in all of its premises. Staff who absent themselves from work during their working hours to smoke outside school and/or other Trust buildings will be subject to the disciplinary procedure.

3.13. Discrimination, Bullying and Harassment

3.14. Employees should not themselves discriminate, induce or attempt to induce, other employees to discriminate and should not harass, abuse or

intimidate other employees on grounds or gender, marital status, age, race, disability, sexuality or religion.

3.15. All employees have a responsibility to discourage any forms of bullying and harassment whatsoever. Sexist or racist language or behaviour, for example, is wholly unacceptable.

3.16. All members of the local community, children and their families and other employees have a right to be treated with fairness and equity. Employees should ensure that policies and practices relating to equality issues, as agreed by the Trust, are complied with in addition to the requirements of the law.

3.17. Performance

3.18. The Trust expects its employees to carry out all reasonable duties and instructions, given by Senior Leaders and Managers, efficiently and to the required standard. If employees are in any doubt about required standards of performance they should raise the matters with their Supervisor/Line Manager at the earliest opportunity. Managers are expected to discuss performance standards as part of the probationary review process and subsequently in one-to-one sessions or at appraisal reviews. Except in the case of probationary employees, capability issues will be dealt with under the Trust's capability procedure.

3.19. Sickness

3.20. In respect of sickness all employees must comply with the notification requirements and complete self-certification forms on their return to work. Unauthorised absence or repeated short absences will be investigated and may lead to disciplinary action.

3.21. Gross Misconduct

3.22. Certain actions constitute gross misconduct and will result in summary dismissal unless mitigating circumstances are accepted. Set out below are examples of such conduct which in the Trust's view may constitute gross misconduct. This list is purely illustrative and not exhaustive.

- Dishonesty, including theft or fraud;

- Violent or threatening behaviour (Including bullying or intimidating behaviour);
- Breaches of the Trust's Health and Safety at work rules and procedures which cause (or could cause) unacceptable loss, damage or injury;
- Breach of Confidence and Trust - including breaches of professional protocol and ethics;
- Negligence, including dereliction of duty;
- Wilful damage to property or equipment;
- Wilful breach of confidentiality;
- Refusal to carry out duties or reasonable instructions;
- Corruption and the receipt of gifts as inducements or reward;
- Criminal offences (whether committed during or outside the employees hours of work for the Trust) which have employment implications;
- Unfitness for duty through alcohol or misuse of drugs;
- Discrimination or harassment on the grounds of sex, race, disability, age, religion or sexuality;
- Inappropriate use of internet and or the internal e-mail system.

4. Disclosure of Information

- 4.1. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Trust itself may decide to open other types of information. Employees must be aware of which information is open and which is not, and act accordingly.
- 4.2. Confidential, personal or financial information about any employee, such as salary details, must not be disclosed to any unauthorised person, or normally, to any external organisation/agency, without the express approval of the person concerned.
- 4.3. Where the request relates to references, arising as a consequence of job applications, applications for mortgages, etc, these may be issued only after verifying the identity of the enquirer either by replying in writing or in case of telephone enquiries, by telephoning the person/organisation back. However, in the case of references relating to job applications for colleagues or ex-Trust employees, Trust employees can only act in a personal capacity. Only

the applicant's line manager can provide employment references. Any misrepresentation of the Trust will be treated as misconduct.

4.4. Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

4.5. Employees may be personally prosecuted for offences under the Data Protection legislation. If any employee is in doubt about their responsibilities, they must consult their manager or Headteacher.

4.6. **Communications with the Media**

4.7. It is Trust Policy that all media liaison relating to Trust activities is handled by the Executive Leadership Team of the Trust and the Trust Board. If an employee has ideas for positive stories about the Trust's policies or activities or is approached by a journalist, who is unaware of, or avoiding, the Trust's procedures, the approval of the school Headteacher must be obtained before any information is given verbally, via e-mail or in writing. Where the issue relates to the wider business of the Multi Academy Trust, approval from the Chief Executive Officer must be sought.

4.8. Where an employee is writing material for publication which does not refer specifically to the Trust, but does relate to his/her profession/occupation e.g. articles in professional journals, the employee should notify the Chief Executive Officer prior to publication.

4.9. Employees are expected to raise any concerns, including concerns of a critical nature within the Trust, directly with Line Managers or within Employee Forums. Public comments of a critical nature which undermine the Trust or bring the Trust into disrepute, other than those disclosed under the protection of the Confidential Reporting Code or statute, could be construed as a fundamental breach of confidence and trust, which may have implications for continued employment. This may include comments made by employees when participating in an outside group if such comments bring them into conflict with the Trust.

5. Low Level Concerns

- 5.1. As part of our commitment to safeguarding and in accordance with 'Keeping Children Safe in Education' statutory guidance we must ensure that adults who work with children do so in a way that is in accordance with the ethos and policies set out by the Multi Academy Trust and Employee Code of Conduct. This includes the expectation that staff report concerns, no matter how small, about their own behaviour or that of another member of staff, volunteer, supply teacher, contractor or other person working in school.
- 5.2. The purpose of reporting low levels concerns is to help create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour set out in our Safeguarding and Child Protection policy are lived, monitored, and reinforced and any concerns about adults are dealt with promptly and appropriately.
- 5.3. This applies to all staff and other individuals who work or volunteer in school.

6. Definition of a low-level concern

- 6.1. A low-level concern is any concern, no matter how small, even if no more than causing a sense of unease or a 'nagging doubt', that a person working in or on behalf of the school may have acted in a way that:
- is inconsistent with the "Guidance for safer working practice" (May 2019) and Employee Code of Conduct, and
 - does not meet the allegations threshold or is otherwise not considered serious enough to make a referral to the LADO
- 6.2. Examples of behaviour that could require reporting of a low-level concern include, but are not limited to:
- being over friendly with children;
 - having favourites;
 - taking photographs of children on their mobile phone;
 - engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
 - using inappropriate sexualised, intimidating or offensive language.
- 6.3. Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not

be in specific circumstances, through to that which is ultimately intended to enable abuse.

- 6.4. It is crucial that any such concerns, including those which do not meet the harm threshold (please refer to the Responding to Allegations Policy), are shared responsibly and with the right person, and recorded and dealt with appropriately.
- 6.5. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

7. Reporting low-level concerns

- 7.1. Where a low-level concern has been identified, this must be reported as soon as possible to the Headteacher. However, it is never too late to share a low-level concern if this has not already happened.
- 7.2. A summary of the low-level concern should be written down, signed, timed, dated wherever possible and shared with the Headteacher.
- 7.3. Where the Headteacher is not available, the information will be reported to the designated safeguarding lead (or deputy), i.e. the most senior member of SLT acting in this role.
- 7.4. Low-level concerns about the Designated Safeguarding Lead will be reported to the Headteacher and those about the Headteacher will be reported to the Trust's Chief Executive Officer.
- 7.5. It may be the case that a person finds themselves in a situation which could be misinterpreted, or might appear compromising to others; or they may have behaved in a manner which on reflection they consider falls below the standard set out in the Employee Code of Conduct. In these circumstances they should self-report. This will enable a potentially difficult situation to be addressed at an early opportunity if necessary.
- 7.6. All information on low level concerns will be stored securely within the academies safeguarding systems, with access only by the leadership team. This will be stored in line with the Multi Academy Trusts GDPR and data protection policies.

- 7.7. The member of staff reporting the concern must keep the information confidential and not share the concern with others apart from the Headteacher. The person bringing forward the concern will be named in the written record. Where they request to remain anonymous, this will be respected as far as possible. However, there may be circumstances where this is not possible, e.g. where a fair disciplinary investigation is needed or where a later criminal investigation is required.
- 7.8. Where a low-level concern has been raised this will be taken seriously and dealt with promptly.

8. Political Neutrality

- 8.1. Employees must follow every lawful expressed policy of the Trust and must not allow their own personal or political opinions to interfere with their work.
- 8.2. Whilst engaged in Trust business employees must not wear or display on their person, vehicle or items such as tools and equipment, objects indicating affiliation with or opposition to any political party or related pressure group.

9. Relationships

9.1. **Between Employees**

- 9.2. All employees have a responsibility to treat their colleagues with dignity and respect.
- 9.3. The Trust requires all its employees to act responsibly to ensure their own and colleague's health and safety by: complying with safety clothing and equipment; contributing to the review and improvement of working methods; acting in accordance with their training and instructions and current best practice and taking necessary emergency action having regard to their own or others' safety. Any work situation considered by an employee to be a serious and immediate danger, or any matters considered to be a failure or inadequacy in the health and safety precautions relevant to their work, must be notified to their immediate line manager.

- 9.4. Employees, in providing services to the public, are acting on behalf of the Trust and should always act in a way that preserves public confidence in the Trust.
- 9.5. Employees have a duty at all times, to uphold the law and relevant guidance bearing in mind the public's trust placed in Trust employees.
- 9.6. Employees working with children, young people and vulnerable adults are in a particular position of great trust. Any breach of that trust, assault or sexual misconduct or breach of policies and procedures meant to safeguard these individuals will be regarded as potential gross misconduct. Employees must, in their own interests read and conduct in conjunction with this Trust Code Of Conduct and must observe the duties placed on them by the Education Act(2002); The Children Act (1989)), Keeping Children Safe in Education statutory guidance; other relevant statute and guidance; and the Rotherham Local Safeguarding Children Board and the Rotherham Safeguarding Adult Board policies and procedures.

9.7. Relationships with prospective or current Contractors

- 9.8. Employees involved in the tendering process and dealing with contractors should be clear on the distinction between client and contractor roles within the Trust. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.9. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship in writing to Trust Board.
- 9.10. Employees who are privy to confidential information on contracts out to tender, or costs for either internal or external contractors, must not disclose that information to any unauthorised party or organisation.
- 9.11. Employees must ensure that no special favour is shown to current or former employees or their partners, close relatives or business associates in awarding contracts to businesses run by them or employing them.
- 9.12. Where the competitive tendering of Trust Services is being carried out employees involved directly in the process must declare their membership of

or affiliation to, any organisation which may have an interest in tendering for the service to the Trust Board.

10. Recruitment and other employment matters

- 10.1. Employees must take care that they are not open to any charge of discrimination in recruitment or employment practices, by fully adhering to the Trust's Recruitment and Selection Code of Practice.
- 10.2. To avoid any possible accusation of bias, employees must not be involved in selection and appointment processes where they are related to an applicant or have a personal or business relationship with them. They should declare an interest where there is a potential conflict of interest in such cases.
- 10.3. Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

11. Information Technology and Data Security

- 11.1. Employees must ensure that they follow the Trust's security procedures in relation to the use of computers and the proper management of computer-held information. Particular care must be taken to observe established procedures when using passwords and when logging on and off. Employees must never share passwords, which may lead to unauthorised access to Trust systems. Where this practice is found, employees should be aware it may lead to disciplinary action.
- 11.2. In respect of internet access, employees must comply with Trust policies such as the Codes of Practice on Information Security, Internet and e mail usage, the Use of Communications Policy and relevant legislation such as the Regulatory and Investigatory Powers Act, Data Protection Act, Obscene Publications Act, Computer Misuse Act and the Theft Act.

12. Use of Trust Systems, Property and Facilities

- 12.1. The Trust's property such as telephones, mobile phones, the internet, e-mail, stationery, photocopiers, word processors and other machines or tools, materials, offices, car parks and facilities, may only be used for Trust business unless permission for private use is given under the terms of the Trust's codes of practice or by management. This also applies to all automatic processing equipment such as laptops, PC's, software including computer games and data, none of which may be used for private purposes or removed from the premises without the express permission of the appropriate manager.
- 12.2. Employees will be required to pay for telephone calls using land lines or mobile phones, or the use of facsimile equipment, for private purposes, through the approved systems in place for the collection of such monies. Employees will be expected to keep calls to a minimum level and managers will have the discretion to determine what is, or is not excessive.
- 12.3. Telephone call and e-mail/internet logging systems are in operation in the Trust and may be used to identify usage for private purposes. Any communications using Trust systems can be monitored.
- 12.4. Employees must adhere to all of the Trust's specific system security measures that are currently in place or introduced in the future.
- 12.5. Care in the use of language contained in e-mails is essential as misuse could leave employees and the Trust liable to legal action. In the case of employees internal proceedings under bullying and harassment procedures or the disciplinary procedure may also result.

13. Dress and Personal Appearance

- 13.1. Trust employees act as ambassadors for the Trust and/or the schools in which they work. Consequently employees must maintain a standard of dress and appearance that is appropriate or required for the workplace and to the work being undertaken. Employees' appearance contributes to the quality of customer care provided. Employees must be clean and tidy and ensure good personal hygiene. Where particular clothing is provided for

health, safety and hygiene and/or uniform purposes it must be worn. This includes name badges. In particular, managers and employees on Trust reception areas are expected to dress smartly and portray a business-like and professional image.

- 13.2. The Trust seeks to promote diversity within its workforce and recognises the importance of cultural dress to its employees. Cultural dress is a visible sign of this commitment and employees will be supported in observing cultural dress codes within the general principles referred to above.

14. Criminal convictions

- 14.1. The Trust requires all employees to apply for disclosure of criminal convictions to the Disclosure and Barring Scheme (DBS). Employees are required under the Rehabilitation of Offenders Act 1974 (Exemptions Amendment Order), to disclose all convictions (spent or unspent), cautions or bind overs, before commencement of employment. In the case of other jobs an employee must disclose any "unspent" criminal convictions before commencement of employment.
- 14.2. Employees whose work involves driving a Trust vehicle – or a vehicle leased by the Trust or used for Trust business - must declare any motoring offences to their Headteacher, including parking fines.
- 14.3. As a matter of fundamental confidence and trust employees must inform their Headteacher of any pending criminal proceedings against them before or during their employment.
- 14.4. Any declaration made under 10.2 or 10.3 must be recorded in writing by Headteachers and placed on the employee's personal file as a matter of record.
- 14.5. Failure to disclose convictions or to comply with any of the above constitutes possible gross misconduct and may result in disciplinary action, including the possibility of dismissal.

15. Drugs and Alcohol

- 15.1. Trust employees act as ambassadors for the Trust and must attend work in a fit condition to undertake their duties in a safe manner.
- 15.2. The Trust believes that the consumption of alcohol impairs performance and may constitute a health and safety risk. Employees should therefore not drink before work or at lunch times. Employees should be aware of the impact consuming alcohol can have on their image and performance and the way that subsequent actions/behaviour may be perceived by the public and other employees. Drinking during working hours is a disciplinary offence and employees adjudged to be under the influence of alcohol while at work may be suspended from duty.
- 15.3. The use of illegal substances at work or which impact adversely on performance at work will not be tolerated and may result in the Trust reporting the matter to the police and potential disciplinary action.
- 15.4. Employees are advised to acquaint themselves with the Trust's substance misuse policy. School leaders have responsibility to ensure staff who may experience such problems are provided with copies of the policy. Support and advice will be given to employees willing to accept help and follow a programme of rehabilitation. A failure to follow any such programme and continuing problems in the workplace will result in issues of conduct being dealt with under the Trust's disciplinary procedure.

16. Outside commitments

- 16.1. The Trust's duty of care under the Working Time Regulations requires that reasonable steps are taken to ensure that workers do not exceed an average 48 hours per week. The Trust prefers its full time employees not to have paid secondary employment of any kind. The Trust recognises that many of its part time employees may have secondary employment. However, all employees are required to declare to their Headteacher any secondary employment. It will be the responsibility of school leaders to confirm with the employee whether this conflicts with their Trust employment.
- 16.2. All employees should be clear about their contractual obligations and should not take outside employment, which conflicts with the Trust's interests. This will include any activities which might be approved, monitored or regulated as part of their employment.

- 16.3. An employee's declaration of secondary employment, does not remove the right of the Trust to take disciplinary action against any employee whose secondary employment is deemed to be, or has been, detrimental to the interests or reputation of the Trust.
- 16.4. Employee appointments as School Governors, Councillors to Local Authorities, membership of the Territorial Army, appointment as a Justice of the Peace or as a Member of the Employment Tribunal do not constitute secondary employment as described in this Code. Nonetheless the principles of employees making Headteachers aware of these duties and seeking appropriate time off in a reasonable and timely manner apply.
- 16.5. Employees of the Trust will not be permitted to hold voting rights or trusteeships of external bodies who have contracts with or otherwise grant funded by, the Trust, without the express consent of the Chief Executive Officer. There is a potential conflict of interest between an employee's responsibilities to protect the interests of the Trust and the legal duties of a Trustee or voting member of an independent organisation. It is also extremely doubtful whether employees will be covered by the Trust's indemnity in such circumstances.
- 16.6. The copyright in all records and documents made by employees in the course of their employment shall belong to the Trust.

17. Use of social media and mobile technology/devices

- 17.1. Social media and social networking sites play an important role in the lives of many people. We recognise that sites bring risks, but equally there are many benefits to be reaped. This gives clarity to the way in which social media/mobile phones are to be used by helpers and staff employed by the Trust.
- 17.2. It is possible that a high proportion of staff will have their own social networking site accounts. It is important for them to protect their professional reputation by ensuring that they use their personal accounts in an appropriate manner.

17.3. Guidelines are issued to staff:

- Staff must never add pupils as 'friends' into their personal accounts (including past pupils under the age of 16).
- Staff are strongly advised not to add parents as 'friends' into their personal accounts.
- Staff must not post comments about the Trust, school(s), pupils, parents or colleagues including members of the Trust Board and/or Local Governing Bodies.
- Staff must not use social networking sites within work hours (for personal use).
- Staff should not use mobile phones within working hours.
- Staff should not take any pictures of pupils or employees at the school on their personal device, unless this has been agreed the Headteacher for specific work-based needs.
- Teaching staff should only use social networking in a way that does not conflict with the current National Teacher's Standards.
- Staff should review and adjust their privacy settings to give them the appropriate level of privacy and confidentiality.
- Inappropriate use by staff should be referred to the Headteacher in the first instance and may lead to disciplinary action.

18. Personal interests

18.1. Employees must declare to their Headteacher (or in the case of the employee in question being the Headteacher, their line manager) any non-financial interests that may bring about conflict with the Trust's interests. All such declarations should be recorded in Trust registers of interests.

18.2. Employees must declare to an appropriate manager any financial interests, which could conflict with the Trust's interests.

18.3. Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. A definition of what constitutes a secret society is shown at Appendix 1.

18.4. Any employee contemplating purchasing or leasing of Trust owned land should raise the matter with their line manager to ensure that there is

not or could not reasonably be seen to be any opportunity for influencing the disposal process or use of information not generally available to purchasers.

19. Corruption

- 19.1. Trust employees must not use their position to confer on or secure for himself/herself, or any other person, an advantage or disadvantage.
- 19.2. Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.
- 19.3. Nexus Multi Academy Trust acknowledges the responsibility it has for the administration of public funds, and emphasises to the public and its employees the importance it places on probity, financial control and honest administration. The Trust is also committed to the fight against fraud, whether perpetrated by employees, contractors or the public.
- 19.4. Employees must use public funds responsibly and lawfully. They must work to ensure the Trust uses its resources prudently and within the law and that the public are assured of value for money. The Trust's Financial Regulations must be observed.
- 19.5. Defrauding and stealing (or attempting to do so) from the Trust or any person or organisation in any way will not be tolerated. This includes falsification of claims, e.g. mileage and travel/subsistence allowances with the intention of obtaining payment. Employees should be aware that the Trust shares data with other Government agencies such as Department for Work and Pensions and the Inland Revenue.
- 19.6. Employees should not use Trust procurement processes for personal purchases, unless authorised to do so.

20. Gifts and Payments

- 20.1. **Gifts and payments to employees related to employment**

- 20.2. Employees must be careful in the exercise of their duties not to show by their behaviour that they may be influenced by any gifts whilst acting in an official capacity.
- 20.3. The Prevention of Corruption Acts 1906 and 1916 make it a criminal offence for employees to demand or accept any gift or reward in return for allowing themselves to be influenced in their official capacity by any person seeking to obtain a contract from the Trust.
- 20.4. As a general rule, therefore, all gifts and other benefits must be refused. If gifts are delivered or sent by post to the place of work, they should be returned if the sender can be identified with an appropriately worded letter. Offers should be declined tactfully, with an explanation that this is Trust policy. Where it is not possible to return a gift, or if it is considered that refusal would cause unnecessary offence, then the gift may be appropriated for the benefit of the Trust or other suitable similar purpose.
- 20.5. Employees must record any gift, received or offered, in a Gifts and Hospitality Book, to be held and monitored by each Headteacher. The record should include the following information:
- the date and time of offer/receipt;
 - the person making the offer;
 - persons present;
 - the nature of the gift;
 - the approximate value;
 - whether accepted or declined;
 - reasons for acceptance (if applicable).
- 20.6. The only gifts not required to be recorded in accordance with the above paragraph are those of a nominal value issued for publicity purposes such as pens, diaries and calendars.
- 20.7. **Gifts and payments to employees unrelated to employment**
- 20.8. Employees on occasion receive payment or gifts for personal care/work, which is unassociated with their employment with the Trust. All employees who carry out such work for members of the public must declare these arrangements to their Headteacher/manager in writing. Any such

declaration must be acknowledged and the service user advised that next of kin should be made aware of the arrangement.

20.9. **Hospitality**

20.10. Employees should exercise discretion in offering and accepting hospitality. Acceptance of meals and refreshments for example may be a necessary part of Trust business, i.e. provided to enable the parties to continue discussion. The meals or refreshments must be of a modest kind and if possible the employee should pay for their own meal and claim for reimbursement.

20.11. In deciding whether to accept hospitality, regard should be given to the following:

- whether the person or firm offering the hospitality is likely to benefit from the hospitality;
- whether that person or firm is seeking a contract or admission of a child to roll, or one has already been awarded;
- the timing of the hospitality in relation to decisions which the Trust may take which will affect those offering it;
- whether it is preferable in the circumstances to entertain the person or persons concerned at the Trust's premises or at the Trust's expense;
- the scale and location of the hospitality and whether it falls within working hours;
- whether a proposed visit is genuinely instructive or constitutes more of a social function;
- the frequency of the hospitality.

20.12. In all cases employees should be able to justify the arrangements they have made in the interests of the Trust.

20.13. If an employee has any doubt about the acceptance of an invitation, this should be discussed with his/her Headteacher/line manager. Employees must discuss any offers of hospitality over and above meals and refreshments prior to accepting or declining them.

20.14. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Trust gives consent in advance and where the Trust is satisfied that any purchasing decisions are not

compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Trust meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

20.15. Employees must record any hospitality, received or offered, in the Gifts and Hospitality Book, to be held and monitored by each Headteacher (see 15.11, above).

20.16. The only hospitality not required to be recorded in accordance with the above paragraph, is hospitality of a modest kind received during normal working hours in the course of conducting the Trust's business. This would include light refreshments such as tea, coffee, biscuits and sandwich lunch or similar.

21. Legacies

21.1. It is not uncommon (though is infrequent) when employees have been included in the Wills of people whom they have worked with. On the one hand this can reflect the genuine wish of a client to register their thanks to someone who has helped look after them and/or their child, perhaps over a number of years. On the other hand, such gestures could be open to misinterpretation, particularly if a large sum of money is involved. It is, therefore, a rule that an employee must notify Chief Executive Officer if they are left a legacy, which is connected with their employment or if the person in question was in receipt of a personal Trust service. Failure to disclose receipt of a legacy may result in disciplinary action.

22. Sponsorship – Giving and Receiving

22.1. Where an outside organisation wishes to sponsor or is seeking to sponsor Trust activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

22.2. Any instances of sponsorship must be brought to the attention of the Trust Board, so that a full assessment of the financial, reputational and legal implications can be scoped.

- 22.3. Where the Trust wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the employee's Headteacher of any such interest. Similarly, where the Trust through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

23. Investigations and Monitoring

- 23.1. Each Headteacher and Local Governing Body is responsible for the monitoring of his/her employee's activities in accordance with the provisions/declarations of this Code of Conduct and related Codes of Practice. Any such monitoring will comply with relevant legislation such as the the Data Protection Act and the Human Rights Act.

24. Summary

- 24.1. Employees requiring further information or requiring advice concerning the appropriate course of action to adopt in any situation, should contact their Line Manager, Headteacher, the Local Governing Body, the Chief Finance Officer or the Chief Executive Officer.
- 24.2. This Code of Conduct should be read in conjunction with its appendices and with any other Trust codes of practice or policies that relate to employee conduct and/or workplace or system security policies and procedures.

Appendix 1 - Definition of what constitutes a membership of secret society

The following is the Trust's definition of what constitutes a society with secret rules (secret society).

- Any lodge, chapter, society, trust or regular gathering or meeting, which:
 - is not open to members of the public who are not members of that lodge, chapter, society or trust; and
 - includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
 - includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

Appendix 2: Other employment related activities – fees

Employees may be asked on occasions to give lectures or undertake work using their professional skills and expertise. If the work forms part of the duties of a post and the employee is carrying out an official duty, he/she must forward all fees to their employing school or the central Trust. Any expenses incurred will be reimbursed through the normal procedures.

Employees in receipt of 'fees' in respect of undertaking work and/or lecturing to an outside organisation/persons) may retain the 'fees' providing:

- preparation and delivery of the work is undertaken outside working hours (unless covered below);
- equipment and/or materials are not being provided by the Trust;
- the employee is not acting as a representative of the Trust.

Where the work or lecture is undertaken during working hours the equivalent working hours must be re-arranged, in agreement with the line manager to accommodate the employee's request or time off in lieu must be used. The employee concerned may also be granted unpaid leave, subject to the agreement of the Headteacher.