

# Code of Conduct





## Code of Conduct

### Introduction

- 1.1 This Code incorporates the provisions of the 1994 "Code of Conduct for Local Government Employees" recommended by the Local Authority Associations and the LGMB. The provisions contained in the Council's previous "Standards of Conduct - Guidance for Employees" have been retained and/or modified in this new Code. The Code also acknowledges and adopts the principles and objectives of the anti corruption legislation, the Bribery Act 2010 ("Act") which came into force on 1 July 2011. Employees should in conducting their duties at all times have regard to the Act and potential obligations and liabilities arising from the Act.
- 1.2 Paragraph 2 of Part 2 of the handbook of national conditions of service for local authority employees states:-

"Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained."
- 1.3 This Code is concerned with the standards of conduct expected of employees in relation to areas for which it is not always easy to lay down guidelines covering every eventuality.

Whilst these areas are somewhat different to the usual range of matters which are considered under the School's Disciplinary Procedure, it should be noted that breaches of this Code and guidelines which may cause an employee's conduct or integrity to be questioned, may result in action being taken against the employee in accordance with the Disciplinary Procedure. This would apply even where the particular incident which led to the questioning of conduct or integrity occurred completely outside of the work environment. In this connection, employees must be aware that conviction for criminal offences committed outside of the work environment, where the nature of the offence is such that the confidence of the School or the public in the integrity and character of an employee may be affected, may lead to disciplinary action - including dismissal.

- 1.4 **The guidance in this Code is intended to assist employees to reach the "right" decision in any particular case. If in doubt employees should always seek the advice of more senior members of leadership before committing themselves to any particular course of action and more particularly, where an employee is concerned that any occurrence or potential action might constitute a breach of this Code, the Act or the requirement to act in good faith, with impartiality and integrity generally. Human Resources and Senior Leadership Team Members can also be contacted for advice.**

## 2. **Standards**

Whickham School employees are expected to work to the highest possible standard.

Employees at all levels, are under a duty to act professionally, impartially and with integrity in all interactions with staff and students alike. Employees will be expected through the School's agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any breach of duty or deficiency in the provision of service. Employees must report to the appropriate manager, any impropriety or breach of procedure.

## 3. **Political neutrality**

- 3.1 Employees serve the School as a whole.

## 4. **Gifts, hospitality, sponsorship, visits and other benefits**

- 4.1 All employees should be vigilant in guarding against compromising situations which could give rise to allegations of impropriety.

- 4.2 The following extract from the Prime Minister's (Wilson) Committee

on Local Government Rules of Conduct still provides a useful summary of the general approach which should be followed with regard to gifts and hospitality. Although directed at the time specifically at Councillors it is equally relevant to employees of the school and must be regarded as an integral part of these guidelines.

"Another particular source of conflict between the private and the public interest is the offer of gifts, hospitality or other benefits in

kind to councillors in connection with their official duties. A nice exercise of judgement may sometimes be necessary to decide how the public interest, and the School's good name, may best be served. A reasonable amount of entertainment is a normal part of the courtesies of public life, and extreme strictness can give unnecessary offence to people and organisations with whom the school's relationships should be cordial. But an appearance of improper influence is easily created, and with it encouragement of cynicism about the motives of those who serve in public life."

### 4.3 Bribery and Corruption

4.3.1 All employees must be aware that it is a serious criminal offence under the Act to give or receive a bribe. A bribe can take many forms but is essentially any inducement or reward which is offered, promised or provided in order to gain any commercial, contractual or personal advantage. Employees will be guilty of committing an offence if they receive or give any gift, loan, fee, reward or any other advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. A straightforward view is that anything which breaches the duty of impartiality and integrity could give rise to an offence. If an allegation is made, and if, after investigation is found to have substance, it is for the employee to demonstrate that any such reward or advantage has not been corruptly obtained. Such an investigation may extend to a full criminal investigation resulting in criminal charges and conviction.

4.3.2 If an allegation of the kind set out in 4.3.1 is upheld, this is likely to result in disciplinary action leading to dismissal whether or not a criminal conviction ensues.

### 4.4 Gifts

4.4.1 This paragraph and paragraphs 4.4.2 and 4.4.3 below, are particularly concerned with the subject of gifts, rewards or other offers from organisations or persons who are providing or who seek to provide work, goods or services to the School, e.g. developers, building contractors, suppliers of goods or equipment and firms able to provide professional or commercial services to the School. As already stated, the provision and receipt of gifts and hospitality (see below) is relatively common and not unlawful. However, they will be considered to be bribes if they are given or

received with the intention of influencing financial decisions. With the exceptions listed below, the employee should refuse any personal gift offered to him or her, or to a member of his or her family by any person or body who has, or seeks to interact or deal with the School in any manner which would afford that body or individual or someone associated with it an advantage. Any such offer or conduct should be reported to the Headteacher and, if the offer is made to the Headteacher, it should be reported to the Chair of the Governing body. Similarly, any employee should refrain from the provision of any such gift to third parties. If it is necessary to offer a gift or reward, prior approval should be sought from the Headteacher.

#### 4.4.2 Exceptions

- (a) A modest gift of a promotional nature given to a wide range of people and not uniquely to the employee. These gifts are usually given at Christmas time and include calendars, diaries, desk sets, flow charts, tape measures, scales and other articles of use in the office or job.
- (b) Gifts of a promotional nature on the conclusion of any courtesy visit of a sort normally given by that firm.
- (b) A gift where refusal would cause needless offence and where the gift, reward or benefit is not offered with the intention of seeking a decision, business or any reciprocal advantage from the School. It should not be assumed that a gift etc is acceptable because it is offered by a party which is not currently involved in dealings with the School.

Obviously, it is wise to err on the side of caution; an obviously expensive gift should raise a question even if it otherwise falls within one of the above categories.

If the employee has any concern that an offer might constitute a potentially unlawful inducement, the advice of a member of the Leadership team should be sought immediately and in all cases where a gift is accepted beyond the sort normally given in school, this should be reported to the Headteacher.

- 4.4.3 When a gift has been refused, this should be done with tact. In some cases a gift is simply delivered and there may be a problem over returning it. It is sometimes acceptable to the giver for the

gift to be the subject of a raffle and the proceeds placed to a charitable fund. However, an arrangement of this sort should only be made with the Headteacher's approval and recorded by letter.

## 4.5 Hospitality

- 4.5.1 The guidance set out above under paragraph 4 is generally applicable to offers of hospitality.
- 4.5.2 As a general rule, it is not acceptable for an employee to accept an offer of hospitality from a third party if it is suspected that the hospitality is offered with the expectation that it will obtain some sort of advantage for the offeror or that the employee will reciprocate in providing an advantage in return. Where hospitality is offered to individual employees to purely social or sporting functions then permission to attend should be sought from the Headteacher and will only normally be given when the event is in the interest of the School to be represented or where the School should be represented. All offers of hospitality should be reported to an employee's immediate line manager.
- 4.5.3 In general terms, it will often be more acceptable for employees to join in hospitality offered to a group, e.g. a company's golf day for customers, than to accept something unique to themselves, e.g. tickets for a theatre. When a particular person or body has a matter currently in issue with the School e.g. an arbitration arising from a contract, then, clearly, common sense dictates that offers of hospitality be refused even if in normal times they would be regarded as acceptable.
- 4.5.4 Special caution is needed where the host is seeking to do business with the School or to obtain a decision from it. It is important to avoid any suggestion of improper influence or breach of the employee's duty to act with integrity and impartiality. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the School.

As guidance, the following examples are given:-

#### 4.5.5 Generally Acceptable

- (a) A working lunch of a modest standard provided to allow the parties to continue to discuss business but where of necessity working lunches are taken on a fairly frequent basis with the same company, the employee should reciprocate in kind. The employee must be careful not to claim subsistence unless he or she has actually expended the money claimed on, for example, the purchase of drinks.
- (b) Invitation to a Society or Institute Dinner or function, e.g. private consultant or company inviting members of departments which are directly in contact with them on a day to day basis such as Engineers, Architects, Planners.
- (c) Invitation to play golf in company's annual guest fixture.
- (d) Invitation to take part in company jubilee or other anniversary celebration.

#### 4.5.6 Generally Unacceptable

- (a) Holiday abroad or weekend in any holiday centre.
- (b) Offers of hotel accommodation.
- (c) Use of company flat or hotel suite.
- (d) Tickets for theatres, shows, concerts, sporting events or other similar types of activities other than in the circumstances set out in 4.5.1 and 4.5.2 and where appropriate permission has been obtained.

### 4.6 [Registering Gifts and Hospitality](#)

4.6.1 For the protection of employees and the School all offers of significant (in accordance with the guidance above) gifts, rewards and hospitality, both received and offered by an employee and whether accepted or refused, should be reported to the Headteacher in writing.

4.6.2 The document should contain details of the name and job title of the employee concerned, the details of the offer (nature, event, description, value, date), who the offer was made by and who the decision was approved by (if anyone other than the employee concerned).

#### 4.7 Sponsorship

4.7.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a School activity whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts, rewards or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors and any associated third parties or agents. Sponsors or potential sponsors should be politely informed that such activities are being promoted by the School and not individual employees.

4.7.2 Where the School 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 an appropriate manager of any such interest. Similarly, where the School 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.

#### 4.8 Visits to Inspect Equipment, Supplies, etc.

Where employees are required to make visits to outside organisations to inspect equipment, supplies or other goods with a view to purchase on behalf of the School, employees generally should ensure that the School meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

## 5. Conflicts of interest

### 5.1 Other ("Outside") Employment

5.1.1 Employees' off-duty hours are their personal concern but they should not subordinate their duty to their private interests or put themselves in a position where their duty and their private interests conflict. The School will not automatically preclude employees from undertaking additional employment but any such employment must not, in the view of the School, conflict with or react detrimentally to the School's interests, or in any way weaken public confidence in the School.

5.1.2 Whilst it is not possible to draw up an exhaustive list of those areas of outside employment which are the subject of this section, the following is an example:

Any other paid or unpaid work outside School employment which may have the effect of interfering with the efficient discharging of the duties and responsibilities of the employee's primary paid employment with the School.

5.1.3 In the light of 5.1.1 and 5.1.2 above, the following specific guidance is given:-

- (a) Employees above spinal column point 28 shall devote their whole-time service to the work of the School and shall not engage in any other business or take up any other additional appointment without the express consent of the School. Those graded above spinal column point 28, therefore, need specific permission from the School to undertake outside work even if in their view the work could not possibly conflict with their duty as an employee of the School from the Headteacher.
  
- (c) Those graded spinal column point 28 or below who wish to undertake outside employment, which might in any way

conflict with the scope of their official duties must obtain the written approval from a member of the Leadership team, prior to undertaking such employment.

5.1.4 With regard to fees paid to employees the following conditions will apply.

(a) Where employees wish or are asked, to undertake lectures, talks or duties as an examiner or invigilator during working hours they must, of course, seek the prior approval of the Headteacher. Employees may be permitted to retain all fees and allowances in respect of such outside duties.

(b) Where employees wish or are asked, to undertake such duties as in (a) above, outside working hours they are strongly advised to notify their Leadership team link in advance. Employees will be permitted to retain all fees and allowances in respect of such outside duties. This paragraph also applies to employees who receive a fee for a written article.

(c) Where employees are asked or wish to become members of a board, adopt a role with a professional institution or other organisation then they must seek prior approval of the Headteacher. When considering such applications the Headteacher will take into account the following factors:

The organisation concerned, prestige for the School, sharing the knowledge with colleagues, total time from work, ability to learn from the experience, development of contacts that are good for the School, potential opportunities for funding.

(e) In respect of the above, attention is drawn to Part 6 - Use of Confidential Information - and the advice contained therein about public disclosure of information. In particular, employees should, where appropriate, emphasise that the views being expressed are their own personal views and not necessarily those of the School.

## 5.2. Personal Interests

- 5.2.1 Employees must declare in writing to their Headteacher any non-financial interest, which could bring about conflict with the School's interest.
- 5.2.2 Employees should declare in writing to their Headteacher 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. In the case of the Headteacher such declaration should be made to the Governing Body. In the event of a Governing Body member being a member of the same organisation as any employee, the Leadership Team Member should inform the Chair of Governors of the employee's membership of that organisation.
- 5.2.3 Employees must declare in writing to their Headteacher any financial interests, which could conflict with the School's interests. Section 117 of the Local Government Act 1972 requires employees to make a formal declaration about contracts with the School in which they have a pecuniary interest. It is a criminal offence to fail to comply with this provision.
- 5.2.4 The decision whether or not to declare an interest must, of course, is left to the discretion and good sense of the individual employee. However, a good general guide will be for employees to ask themselves whether their judgement in regard to an application may, or might be said to, be impaired in any way by their relationship to, or friendship with, the applicant or that their employment in the service might be said to influence the determination of the application.
- 5.2.5 Employees should be aware that, legally, the ownership of intellectual property or copyright created during their employment is vested in the School unless the School agrees to the contrary. Employees must therefore not do anything which conflicts with the School's rights in this regard.

### 5.3 Relationships

5.3.1 The local community and students- Employees should always remember their responsibilities to the community and students they serve.

5.3.2 Contractors - All relationships of a business or private nature with external contractors or potential contractors should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to anyone in the tendering process. Employees should act impartially, in good faith and with integrity throughout a tendering process and in any relationships/dealings with contractors or their agents. No parts of the local community should be discriminated against.

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 refer that relationship to the appropriate manager.

## 6. Use of confidential information

6.1 Employees shall not communicate to the public proceedings of any committee meeting, etc., nor the contents of any document relating to the School unless required by law or expressly authorised to do so.

6.2 The following extract from the Prime Minister's (Wilson) Committee on the problems associated with handling confidential information is still valid and must be regarded as an integral part of these guidelines:-

"A conflict of interest can also arise over the use of information which employees necessarily receive, by virtue of their duties, before it is made public. Such information may be of a kind which the employee could use to his own profit. This can arise anywhere in the wide range of functions performed by the school. The basic safeguards against such misuse of information are the

general ones mentioned earlier; the honesty of the individual and maximum openness.

For the latter, the School must ensure that information in its possession becomes public knowledge at the earliest possible stage, so as to reduce to the minimum the time during which particular information can confer any advantage upon its possessor."

- 6.3 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.
- 6.4 Nothing is more damaging than ill considered gossip about the School's business.
- 6.5 Some employees deal extensively in matters of a confidential and personal kind and here employees need to be particularly circumspect in what is said outside the school about matters which are going on inside it.
- 6.6 The following guidelines should be adhered to:-
  - (a) Official documents - letters, memoranda, committee reports, agendas and minutes, files, plans, etc., should not be taken out of the office except in connection with official School business or where the employee wishes to do some work away from the school.
  - (b) Paragraph 6.1 above makes clear the rules governing communication of School information to the public. The "public" must also be taken to read the "media" and, in the employee's own interest he/she should not talk to the press, television or radio or provide any written information or documents to them without the express consent of the Headteacher. It may be advisable for a Headteacher to determine that either him/herself or a specific nominated person or persons are the only people authorised to communicate with the media.
  - (c) Employees should not communicate confidential information or the contents of any documents such as those mentioned in 6.6(a)

above, to other employees of the School and any other persons who do not have a legitimate work involvement with the subject to which the information or document relates.

- 6.7 Employees should be made aware of the implications of the Data Protection Act 1998. Personal data (i.e. consisting of information about a living individual from which that individual can be identified) held on computing equipment, must not be disclosed to persons or organisations who are not registered as receivers of such information. Contravention of this Act can result in the Data Protection Registrar taking proceedings for prosecution of offences under the act.

## 6.8 The Tendering Process

- 6.8.1 Employees involved in the tendering process and dealing with contractors should be clear on the School's policies and procedures for tendering including the respective roles of client and contractor. Employees who have both a client and contractor responsibility must be aware of the need for accountability. It is the employee's duty to remain vigilant in dealings with contractors and their agents to ensure that nothing occurs that might breach this code and the Act itself during the tendering process.
- 6.8.2 Employees must exercise fairness and impartiality when dealing with all customers (and potential customers), suppliers, other contractors and sub-contractors, business partners and their agents.
- 6.8.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation. The absolute need for confidentiality in handling such information, both within and without the School, cannot be stressed too highly and employees who breach this confidentiality will be subject to disciplinary procedures.
- 6.8.4 Employees contemplating a management buyout should immediately inform their Group or Strategic Director or the Chief Executive. They should take no further part in any tender process for any work for which the proposed management buyout might be a competitor.

- 6.8.5 Employees should ensure that no special favour is shown to anyone in awarding contracts.

## 7. **Use of financial resources**

Employees must ensure that they use public funds entrusted to them in a responsible manner.

### **Raising a concern**

- 8.1 Employees are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If an employee is unsure what conduct constitutes bribery or corruption or any breach of this code of conduct on which there are any other queries, this should be raised with the employee's line manager in the first instance except where specifically stated otherwise in this document.
- 8.2 The School will take all reasonable steps to ensure that no employee suffers detrimental treatment as a result of refusing to take part in bribery or corruption or as a result of reporting a suspicion of bribery or any other breach on this code of conduct.

### **Communicating the School's Policy to others**

The School's zero tolerance approach to bribery and corruption must be communicated to all suppliers, contractors, business partners and their agents at the outset of and at appropriate times during the business relationship.

