



# Ellwood Primary School

## CODE OF CONDUCT FOR SCHOOL EMPLOYEES.

This policy is based on the Gloucestershire County Council Model Policy.

1. This policy applies to School employees regardless of the basis of the employment including:-
  - Secondments (both to and from the School/County Council);
  - Temporary assignments (both to and from the School/County Council), Work Placements and Trainees;
  - Governors; and
  - Employees acting as members of companies or voluntary organisations.
2. References to “employee” and “staff” throughout this policy are taken to include all of the above categories and any similar working arrangements.

### 1 INTRODUCTION

3. Managers/head teachers are expected to:
  - Regularly review the performance of employees and respond to any situations where an employee’s conduct is unacceptable.
  - Give employees regular feedback on how they are doing.
  - Have early discussions with the employee on problems, possible causes and solutions.
  - Provide support, training or development where appropriate.
4. Employees are expected to:
  - Maintain good conduct.
  - Be responsible for their own development;
  - Raise with their manager any problems that are affecting their work;
  - Accept responsibility for their own work performance;
  - Respond constructively to advice, guidance and development provided by their manager;
  - Be flexible and cooperate with changing work requirements.
5. This policy aims to provide a framework for managers in the management of:

- An employee's conduct to an acceptable level;
  - Promoting fairness and transparency in the treatment of employees;
  - Ensuring that acceptable standards are sustainable and maintained.
6. Conduct relates to the behaviours and the ways in which those employed in schools act on a day to day basis. Acceptable conduct is largely based on the behaviours that others can reasonably expect of employees i.e. children, parents, governors/managers, colleagues and visitors.

## 2 Personal and professional conduct

7. A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.
8. Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
  - showing tolerance of and respect for the rights of others;
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs;
  - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law;
  - Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality;
  - Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

## 3 Conduct at School

9. The School expects all employees to behave in a normal and reasonable manner. The following list provides examples of the type of conduct that the School would expect:
- To be punctual for the start of work and to keep within the break times;
  - To give regular attendance at work and to minimise all absenteeism;

- To be courteous, helpful and polite to all those with whom you have contact;
- Ensure that all the school's property including confidential information, records, equipment, information technology, etc., is kept safe and used correctly;
- To comply with all the School's rules and regulations and to observe and perform all the terms of your employment as set out or referred to in your Contract of Employment;
- All staff are expected to dress in a professional manner with due regard to their role in the school and any health and safety issues. Footwear must be suitable for the use of stairs. Inappropriate Facial/multiple piercings, tattoos and extreme colours /styles of hair are not acceptable and must be removed or covered as necessary. Tops must not be low cut/no jeans;
- Please take care when making comments/posting photographs using personal social media, some posts can be detrimental to the school and stakeholders, if proved, disciplinary action may be necessary depending on the nature of the posting;
- Staff are discouraged from liaising with parents on social media and accepting parents as "friends", unless they were acquainted with the person before being employed at Ellwood school;
- Teachers are not to participate in paid home / private tutoring of pupils from the school;
- Staff not to use their personal mobile devices for taking and storing pictures of pupils;
- If mobile phones are to be brought in to school – they are to be kept in the lockers provided, during school working hours.

#### 4 Conduct outside working hours

10. Normally the School has no jurisdiction over employee activity outside working hours. Behaviour outside working hours will only become an issue if the activities adversely affect the School.
11. Adverse publicity, bringing the School's name into disrepute, or actions that result in loss of faith in the School, resulting in loss of income, or loss of faith in the integrity of the individual, will result in the disciplinary procedure being instigated.
12. The detriment suffered by the School will determine the level of misconduct and it will also determine which disciplinary stage is most appropriate to suit the circumstances.
13. If the actions cause extreme embarrassment or serious damage to the School's reputation or image, a decision may be taken to terminate the employment.

14. The School's procedures covering disciplinary hearings and appeals still apply.

## 5 Guidance on Social Media use

### 5.1 Introduction

- 5.1.1 The internet and social media provide a range of social media tools that allow users to interact with one another.
- 5.1.2 It is recognised that there are benefits to effectively using social media for business and personal purposes. This policy provides clarity to the school community about the way in which social media is used and sets out expectations as to an employee's conduct regarding social media.
- 5.1.3 It is vital that pupils, parents and the public have confidence in the school's decisions and services and that the reputation of the school and the confidentiality of information about pupils and staff is safeguarded. This policy seeks to ensure that school staff use social media responsibly and to avoid them inadvertently placing themselves in a situation where their conduct is called into question due to unacceptable use of social media.

### 5.2 Scope

- 5.2.1 For the purposes of this policy, social media is any type of interactive online media that allows parties to participate in interactive discussions and share information in a public forum. It is important to note that this may apply to some forums that are private but are shared or made public i.e. the policy may extend to 'closed groups' where a matter in breach of this policy is brought to the attention of the school.
- 5.2.2 Examples of some popular forums are Twitter, Facebook and LinkedIn, but social media also includes podcasts, open access online encyclopaedias, social bookmarking sites, blogs and video, live streaming forums and image-sharing websites such as YouTube, Vimeo, and Instagram. It is impossible to list all relevant media as this is a constantly changing and growing area.
- 5.2.3 This policy applies to all paid employees of the school, teachers (including trainees and apprentices), volunteers and members of the Governing Body.
- 5.2.4 Employees of Gloucestershire County Council (GCC) are covered by Council's own social media policy and the school should report any suspected breach by a GCC employee to GCC.
- 5.2.5 Schools often use contractors to carry out work and may require contractors to have their own social media (acceptable use) policy in place.
- 5.2.6 This policy covers personal use of social media as well as the use of social media for official school purposes, including sites hosted and maintained by and on behalf of the school.

5.2.7 For the purposes of this policy references and links to the County Council will not always apply to academies and other schools or settings that are independent from the local authority.

### 5.3 Legal framework

5.3.1 Employees must remember that information they share through social media and networks, even on private accounts, is still subject to copyright, data protection and Freedom of Information legislation, the Safeguarding Vulnerable Groups Act 2006, and UK libel and defamation laws. 4

5.3.2 Both the School and the County Council could be held vicariously responsible for acts of their employees in the course of their employment (in local authority community and voluntary controlled schools). For example, staff members who harass co-workers online or who engage in cyberbullying or discrimination on the grounds of any protected characteristic, or who defame a third party while at work may render the School or the County Council liable to the injured party.

### 5.4 Related policies

5.4.1 This policy should be read in conjunction with the following School policies:

- Confidential Reporting Procedure (Whistle-blowing);
- Governor Code of Conduct;
- Disciplinary Policy.

### 5.5 Social media relating to the school

5.5.1 Authorisation to share specific school business via communication channels which cannot be directly managed by the school (such as personal social media) must be sought from the head teacher/Governing Body of the School prior to sharing.

5.5.2 This includes opinions shared on social media that can be, or perceived to be, attributable to the school, its representatives and/or its decision-makers.

5.5.3 Sharing of any aspects of school business or relevant communications from the school via authorised social media platforms used and managed by the school must be approved by the head teacher.

5.5.4 Any authorised messages must be constructed to be unambiguous, accurate, politically neutral, fair and transparent if they are to formally represent the School or the County Council.

### 5.6 Creation of social media accounts by school staff for use in education

5.6.1 All social media services must be approved by the head teacher/Governing Body of the school in advance of any educational work being undertaken.

### 5.7 Personal use of social media by employees

5.7.1 It is accepted that employees and members of the school community will have

their own social networking accounts. However, it is important that they protect their professional reputation, the reputation of the school and the privacy of colleagues, pupils and parents.

- 5.7.2 Employees are required to familiarise themselves with social network sites' privacy settings and are encouraged to make their settings 'private' in order to ensure that information is not automatically shared with a wider audience than intended e.g. on Facebook opting out of 'public' settings.
- 5.7.3 Employees must be aware that even with high privacy settings, their posts are never truly private as friends/connections could save or share these posts, so this policy may still apply even if the profile is private.
- 5.7.4 Employees must not conduct or portray themselves, or allow friends to portray them, in a manner which may:
- bring the school into disrepute;
  - lead to valid parental/carers complaints;
  - be deemed as derogatory towards the school and/or its employees;
  - be deemed as derogatory towards pupils, parents/carers or governors;
  - bring into question their appropriateness to work with children (including behaviour that is illegal);
  - contravene current National Teacher Standards (or other relevant professional standards).
- 5.7.5 In addition to posts written by the employee, this can also include posts that the individual has shared, liked, retweeted etc. as well as tagged photographs where the content contravenes this policy.
- 5.7.6 Further to this staff should not:
- form online friendships or enter into communication with parents/carers as this could lead to professional relationships being compromised;
  - form online friendships or enter into online communication with pupils as this could lead to professional relationships being compromised, and/or safeguarding allegations being raised;
  - post pictures of or negative comments about their employment, school events (sharing information and posting pictures about school events should be done through the school's authorised social media site(s) or with advance authorisation from the head teacher/Governing Body).
- 5.7.7 It is recognised that employees may be known in the community in which they work and may have connections to parents/carers of pupils on social media (either relatives or close friends). Employees in this situation are responsible for their own social media and hold such connections at their own risk. Breaches under this policy in relation to this type of connection are managed in the same way.

## 5.8 Further guidance on the use of social media

- 5.8.1 Employees must be conscious at all times of the need to keep personal and professional lives separate on social media. School representatives should

not:

- Put themselves in a position where there is an actual or perceived conflict between work for the school or County Council and their own personal interests;
- Engage in activities involving social media which might risk bringing the School or the County Council into disrepute;
- Represent personal views as those of the School or the County Council on any social medium;
- Discuss personal information about pupils, School business or County Council staff and other professionals interacted with as part of their role in the school;
- Use social media and the internet in any way to attack, insult, abuse or defame pupils, their family members, carers, colleagues, other professionals, other organisations (e.g. OFSTED), the School, other schools or the County Council;
- Unilaterally use social media as a communication channel about school business, even if that communication relates to matters which are already cleared to be shared with parents (Communication to parents is managed through the channels that have been approved by the Governing Body.)

5.8.2 Employees of the School should refrain from identifying themselves as employees of the school in their personal social media. This is to prevent information on these sites from being linked with the school and to safeguard the privacy of staff members, pupils and relatives of pupils.

5.8.3 It is recognised that personal use of social media can relate to professional life i.e. LinkedIn. However, employees identifying their place of work do so at their own risk and if this policy is breached in relation to those sites it is applied in the same way.

## 5.9 Breaches of the policy

5.9.1 Any breach of this policy may lead to disciplinary action being taken against the staff member(s) involved in line with the School's disciplinary procedure.

5.9.2 Inappropriate use of social media by employees or volunteers should be referred to the head teacher/Board of Governors in the first instance so that appropriate action can be taken to protect confidential information and limit the damage to the reputation of the school and the County Council. In local authority community and voluntary controlled schools where there has been a breach of confidential information the breach must be reported to the Data Management team at Gloucestershire County Council.

5.9.3 A breach of this policy leading to breaches of confidentiality, or defamation or damage to the reputation of the School or the County Council or any illegal acts or acts that render the School or the County Council liable to third parties may result in disciplinary action and dismissal from service.

5.9.4 Any illegal acts may be reported to the police and/or the relevant professional

body.

#### 5.10 Parents/carers (the 'wider' school community) on social media sites

5.10.1 Parents/carers will be communicated with regarding their use of social media (in particular when they or a child they are responsible for joins the school) via the school website, letter and school newsletters particularly with regard to the following:

5.10.2 Parents/carers are asked not to post images (photos and videos) of pupils other than their own children on social media sites unless they have the permission of parents/carers of other children pictured.

5.10.3 Parents/carers are asked to raise queries, concerns or complaints directly with the school rather than posting them on social media.

5.10.4 Parents/carers should not post malicious or fictitious comments on social media sites about any member of the school community.

5.10.5 While the school cannot monitor all use of social media in the wider school community the communication to parents/carers aims to protect pupils and staff at the school and the confidentiality of information about pupils and staff.

#### 5.11 Dealing with incidents of online (cyber) bullying

5.11.1 Cases of online bullying will be dealt with in accordance with the school's fairness, diversity and equality and/or dignity and respect at work policies and could lead to action being taken under the disciplinary procedure.

5.11.2 The school can take action with reference to any incident that takes place outside school hours if it:

- could have repercussions for the orderly running of the school,
- poses a threat to a member of the school community,
- could adversely affect the reputation of the school, or its employees/governors.

5.11.3 There are UK statutes that cover the use of Internet technology in relation to bullying.

5.11.4 Where appropriate, legal action may be taken by the school's governors.

Reviewed: August 2019

Approved by Governing Body: October 2019

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## 6 Disciplinary Policy

6.1 Misconduct is when expected conduct/behaviour is not achieved or maintained. This could include when an employee:

- Does not follow rules or procedures;
- Fails to exercise reasonable care or skill, due to negligence or lack of effort;
- Fails to carry out management instructions, direction or guidance;
- Is inappropriately negative or when their behaviour is undermining of managers or colleagues;
- Has poor attendance;
- Breaches codes of conduct applicable to or adopted by the school;
- Breaches professional standard;
- Is dishonest.

6.2 The above are examples of situations that could constitute misconduct. Each case will depend on the particular facts and circumstances.

6.3 Gross misconduct is defined as actions or omissions by the employee so serious as to completely destroy the relationship of trust and confidence necessary for an effective employment relationship to be maintained. In the absence of exceptional mitigating circumstances offences of gross misconduct will result in summary dismissal.

6.4 The following list (which is not exhaustive) gives examples of situations that could constitute gross misconduct. Each case will depend on the particular facts and circumstances:

- Theft, fraud or falsification of records.
- Physical violence, verbal abuse, bullying, harassment or intimidation.
- Damage to property, health and safety equipment or a serious breach of health and safety rules.
- Serious negligence which causes loss, damage, injury or endangers people or property.
- Misuse of alcohol or drugs.
- Any illegal discrimination.
- Inappropriate physical, emotional or sexual contact with a child, or an abuse of trust as defined in the Sexual Offences Act (2003).
- Serious insubordination or serious undermining of school management, or a serious breach of confidentiality.
- Accessing internet sites containing pornographic, offensive or obscene material and/or being in possession of pornographic images of children.
- Inappropriate activities on school site(s) or whilst on school activities e.g. sexual activities with another adult.
- Major breaches of the Code of Conduct for Educational Establishments, or bringing the reputation of the school into disrepute.

- Serious inappropriate use of social media e.g. facebook.
- 6.5 Whistle-blowing (is the procedures to be used for employees wishing to report, in strict confidence, their serious concerns about malpractice or conduct of other employees within GCC or an educational establishment. It also gives protection to employees who make an allegation and forms part of the conditions of employment.
- 6.6 Informal action would normally be taken when the employee has:
- A previous good record of conduct and the incident is of a minor nature.
  - A previous good record and there are mitigating circumstances.
  - For teachers this will normally be managed through the appraisal process.
- 6.7 Formal action should be taken when the employee has:
- Repeated incidents of misconduct, or an incident of a serious nature.
  - An incident that may be gross misconduct.
  - Previous formal warnings on file for misconduct that are still current and a further misconduct occurs.
- 6.8 No formal action should commence against a trade union representative until the circumstances of the case have been discussed with the appropriate branch or full-time officer, with the prior permission of the employee. If the employee does not wish there to be any prior discussion with the branch or full-time officer then formal action will proceed in the normal way under this procedure.
- 6.9 Suspension does not imply in any way that the matters have been pre-judged or the outcome pre-determined, but before suspending an employee careful consideration should be taken of the circumstances of the allegation. Suspension should not be an automatic response. It may be necessary to suspend an employee, as a precautionary measure, on normal contractual pay, either pending or as a result of an investigation which could lead to a formal meeting, if:
- Their presence might cause an unacceptable risk to a child or children. See What if the allegation involves harm or risk of harm to children or young people?
  - The allegations are sufficiently serious that the outcome may be dismissal.
  - Their presence may impede or influence the investigation.
  - To prevent a possible repeat allegation or offence.
  - There are reasonable grounds to believe that the impact on the interests of the school or employee would be seriously affected, if they were to remain at work.
- 6.10 Alternatives, on a short term basis where appropriate, include:

- Paid leave of absence (very short term – a few days- allowing time for an initial decision to be made, and with the agreement of the employee).
  - Alternative duties/locations including working from home.
  - Close supervision e.g. a colleague to be present throughout pupil contact time.
- 6.11 If the allegation relates to harm or risk of harm to a child or young person, no investigation should be undertaken until a discussion has been held with the Local Authority Designated Officer (LADO). Refer to the Gloucestershire Safeguarding Children Board website and details on Allegations Management. Under the Education Act 2011, from October 2012, there are reporting restrictions related to teachers if there is an allegation that the person is or may be guilty of a criminal offence against a child and it is made by or on behalf of a registered pupil at the school. Any messages, whether, verbal or in writing, issued to the public and connected to child related allegations should be cleared through the LADO who will liaise with appropriate parties including the press office. In addition it is good practice that the reporting restrictions are applied to support staff to ensure consistency.
- 6.12 An investigation is the gathering of information relating to a conduct issue. Dependent on the manager's involvement, the manager will investigate, or arrange an investigation, to establish the facts. An investigation must be carried out before calling a formal meeting and will usually include a discussion with the employee about the issue.
- 6.13 The investigator will produce a report setting out the findings and conclusions. Where appropriate, copies of witness statements and any other relevant documentation will be attached to the report.
- 6.14 The employee has a right to be represented/supported during formal meetings, by a trade union representative or workplace colleague.
- 6.15 The employee does not have a specific right to be accompanied at an investigatory meeting by a trade union representative or workplace colleague. However it is recommended they be given the opportunity to be accompanied if there is the possibility of formal action being taken at a later date.
- 6.16 The head teacher, a governor, the head teacher and governor(s) or a panel of governors can conduct a formal meeting. The governing body may delegate responsibility for formal action, including the decision to dismiss, to the head teacher. However, the head teacher cannot take this decision if they have been directly involved in making the decisions on previous formal warnings leading up to dismissal. For the formal stages up to stage two, the responsibility for conducting a formal meeting may be delegated to an appropriate member of the leadership team e.g. business manager for support staff. Where the head teacher is the subject of the formal meeting the governing body may delegate responsibility for formal action to a governor (normally the chair of governors) or more than one governor. The governor(s) cannot take dismissal decisions if they have been directly involved in making the decisions on previous formal warnings leading up to dismissal.

- 6.17 For unattached teachers meetings which may result in dismissal must be chaired by a third-tier (or higher level) manager. This will include all managers who report directly to a second-tier manager and who are graded SMG, PMG or on the Reward Bands. The group director may also, in appropriate cases, designate another manager at SMG/PMG/Reward Band grade who is not strictly defined as “third-tier” to chair a meeting. Other formal meetings will be chaired by the manager or senior manager as appropriate.
- 6.18 A panel of governors (normally three) will hear an appeal.
- 6.19 The school may delegate a single governor or a panel of governors to hear a formal case (see above).
- 6.20 Where collaborative arrangements with another governing body are in place regarding staff discipline; governors from any of the collaborative schools may be delegated to hear a formal meeting or appeal.
- 6.21 In Community, Community Special, and Voluntary Controlled schools, a representative of GCC is entitled to attend proceedings that may result in an employee’s dismissal. GCC will confirm the decision to dismiss.
- 6.22 The governing body or where formal action has been delegated, the head teacher, must consider any advice given by the GCC representative before making a decision to dismiss.
- 6.23 Although there is an expectation that formal action is generally progressive, formal action may start at any of the three stages, dependent on the severity of the situation and the circumstances.
- 6.24 At each stage a formal meeting will be arranged with the employee. See ‘What arrangements are made for the meeting’? There will be an outcome from the formal meeting which may include support, training and/or an action plan. If the concern is established the outcome should result in a warning and sanction (i.e. withholding an increment for support staff; preventing progression to the next pay point/grade for teachers) or dismissal. Any outcome will be confirmed in writing to the employee within three working days of the decision, including as appropriate:
- The nature of the concern;
  - The required improvement;
  - The monitoring arrangements and if appropriate a review date;
  - The warning - what will happen if there is no, or insufficient, improvement and the formal action that could be taken;
  - Any support arrangements;
  - How long the warning will remain in force;
  - Any effect on pay;
  - The right of appeal;
  - An action plan.
- 6.25 The stages and potential sanctions are given below:
- Formal stage Maximum level of sanction;

- One Oral warning and withholding an increment for support staff; preventing progression to the next pay point/grade for teachers.;
- Two First or final written warning and withholding an increment for support staff; preventing progression to the next pay point/grade for teachers;
- Three Dismissal.

#### 6.26 Stage One

6.26.1 If at any point during this stage, the evidence suggests a more serious issue a decision may be taken to move directly to stage two.

6.26.2 If improvement is not achieved at this stage, or sustained thereafter, then it is likely to result in progression to stage two.

6.26.3 A decision can be made at this stage to withhold any incremental or salary progression at the next salary review date.

#### 6.27 Stage Two

6.27.1 A first or final written warning may be issued during this stage. Depending on the seriousness of the issue a decision can be made to move directly to a final written warning.

6.27.2 If improvement is not achieved or sustained at this stage then it is likely to progress to stage three and may result in dismissal.

6.27.3 A decision can be made at this stage to withhold any incremental or salary progression at the next salary review date.

#### 6.28 Stage Three

6.28.1 This stage may result in dismissal. Any notice will be in line with normal contractual arrangements or statutory notice depending on which is greater.

6.28.2 All formal meetings for gross-misconduct will be held at this stage, with the potential outcome of summary dismissal.

6.29 If an employee appeals against an outcome, the sanction will remain in place until the outcome from the appeal is known.

Date reviewed: Sept 2019

Review date: Sept 2020

Signed: D.Milford