

# William Austin Junior School

## Policy for Staff Conduct



### Adoption of LBC policy

#### 1. PURPOSE

This Code sets out the principles relating to the manner, approach and behaviours that should be observed by all employees of William Austin Junior School, in order to ensure conduct of the highest order and that pupils, parents, the community and colleagues have and maintain confidence and trust in the integrity of those working for the school. This Code **forms part of the terms and conditions of service of employment** for all employees in the school.

#### 2. SCOPE

The Code covers the following areas: -

- 3) General Principles
- 4) Responsibilities of Employees
- 5) General Standards in Dealing with People
- 6) Relationships with Pupils, Parents and Governors
- 7) Child Protection
- 8) Prevent
- 9) Position of Trust
- 10) Equality of Opportunities for All
- 11) Conflicts of Interests & Work outside the School
- 12) Awarding Contracts
- 13) Hospitality and Acceptance of Gifts
- 14) Commercial Confidentiality
- 15) Criminal Offences
- 16) Driving Disqualifications
- 17) Use of School Facilities
- 18) Dress Code
- 19) Sanctions for Breach of the Code
- 20) Where to Obtain Further Advice

### **3. GENERAL PRINCIPLES**

- 3.1 The adoption of a Code of Conduct means that the standards and expectations of all school employees are transparent and equitable. The Code constitutes part of employees' terms and conditions of employment, and will therefore be monitored and enforced, if necessary through normal procedural arrangements agreed by the Governing Body. This Code therefore, is designed to set out standards of conduct and behaviour in order that employees themselves and the school community can be sure of the parameters and standards required of employees in such a manner that there will be confidence and trust in the employee working practices.
- 3.2 This Code identifies those key areas of conduct and behaviour, setting out standards and guidance for employees. It is supported by all employment procedures, protocols and the Staff/Personnel Handbook as adopted by the Governing Body. The areas highlighted in this Code are not exhaustive, and employees should endeavour to be seen as setting the highest standards of conduct in a way that does not bring any disrepute on themselves as a school employee, the service they work within, or the school/Trust/Luton Borough Council in general.
- 3.3 All employees in the school are undertaking a professional role to support the education of young people. As such they are all role models and are expected to act accordingly. This includes relationships and communication with colleagues and the school, adherence to the school's dress code, appropriate for the job, and activities in the community outside school.
- 3.4 All employees should ensure that their behaviour and performance meet work place standards at any time that the school/Trust/Council, is being represented or is likely to be identified or associated with the role.

### **4. RESPONSIBILITIES OF EMPLOYEES**

- 4.1 It is the responsibility of all employees to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their contractual duties. It is for the employee always to be impartial and honest in the conduct of their official business and with their own dealings with the school, and to notify the Governing Body of any change in their circumstances/interests that may impact in any way upon their employment, within the school/Trust, or upon the Council in general. (Examples of situations may be where the employee recommends a contractor for services without declaring any potential pecuniary interest or where an employee has been involved in some criminal conviction in relation to his/her private life/interests that may have a connection/bearing upon the job he/she does).
- 4.2 Employees are subject to adherence to the school's policies and procedures, Luton Borough Council's Standing Orders and Financial Regulations and are expected to use any public funds that are entrusted to them in the best way possible for the school and its community.
- 4.3 Teachers are reminded that they must adhere to the Teachers' Standards (updated June 2013), and these form part of teacher's terms and conditions of employment.
- 4.4 It is also the responsibility of the Headteacher to monitor, where practical, that employees are conforming to this Code and to ensure that employees are fully aware of its contents.

## **5. GENERAL STANDARDS IN DEALING WITH PEOPLE**

- 5.1 In the course of carrying out their duties, employees are required and expected to treat all people, with whom they have dealings, in a courteous, polite, unbiased and respectful manner. It is recognised that given certain circumstances, there will be occasions where dialogue may become strained. Employees should then bring the discussion to a close and seek support from the Headteacher/colleagues in accordance with the relevant school procedure (e.g. Behaviour Policy, Complaints Procedure). Employees who are faced with abusive/violent situations are always advised, particularly where there is potential danger to themselves or others, to politely withdraw or disengage themselves from the situation.
- 5.2 Employees are required to maintain a good standard of dialogue and must refrain from using abusive, derogatory, offensive or socially unacceptable language in the course of their duties and dealings with all people, including pupils. In addition, body language that may be construed as aggressive, threatening or offensive must be avoided at all times.
- 5.3 This Code must be read in conjunction with the school's **Disciplinary Procedure** that sets out standards that will be treated as misconduct and liable for action to be taken under that procedure.

## **6 RELATIONSHIPS WITH PUPILS, PARENTS AND GOVERNORS**

- 6.1 Employees are required to maintain professional relationships at all time.
- 6.2 All employees within the school have a responsibility:
- For ensuring that the school is a safe environment.
  - to treat pupils, parents and Governors with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a professional position.
  - for the safeguarding of pupil's well-being, in accordance with statutory provisions.
  - to maintain good relationships with pupils.
  - for showing tolerance of and respect for the rights of others.
  - to ensure that personal beliefs are not expressed in ways which exploit pupil's vulnerability or might lead them to break the law.
- 6.3 All employees are expected to follow the policy and procedures adopted by the Governing Body.
- 6.4 The following school policies particularly apply, and all employees must ensure that they have read and understood them:
- 1) Internet and E-mail acceptable use policy
  - 2) Social Networking policy
  - 3) Guidance on physical Intervention
  - 4) Supporting Pupils at School with medical conditions & Administration of Medicine Policy
- 6.5 Employees with a grievance against a work colleague, or Headteacher, will not seek to influence the outcome by making advance representations to the Governing Body, but will follow the schools **Grievance Procedure**, adopted by the Governing Body.

## **7 CHILD PROTECTION**

- 7.1 There are two aspects to safeguarding and promoting the welfare of children:
- To take all reasonable measures to ensure that risks of harm to children's welfare are minimised and

- To take all appropriate actions to address concerns about the welfare of a child, or children, working to agreed local policies and procedures in full partnership with other local agencies, as soon as the issue comes to your attention.
- 7.2 Staff have a duty to report any child protection concerns to the Headteacher, Designated Child Protection Officer or to the Chair of Governors if the concern is about the Headteacher. Where the concern is about a professional, the procedure employees must follow is the **“Where school employees face allegations of child abuse”**. Failure by workers in the school to report abuse, or suspected abuse, in accordance with this and other school child protection procedures constitutes a breach of their ‘duty of care’.
- 7.3 The school has adopted a **Whistleblowing Procedure** which enables workers in the school to report concerns that are in the public interest, including those relating to child protection issues, and those workers are protected, in certain circumstances, under the Public Interest Disclosure Act 1998.
- 7.4 Failure to carry out duties in compliance with arrangements made by the LA or governing body will invoke the school’s disciplinary procedure.

## **8. PREVENT**

- 8.1 All workers are expected to have due regard for the statutory provision under the Prevent Duty, July 2015. Under the duty, workers must build pupils’ resilience to radicalisation by promoting fundamental British values and enabling pupils to challenge extremist views.
- 8.2 Workers in the school should report concerns regarding any pupil, or other workers (including Volunteers, visitors) who are demonstrating extremist views and/or behaviours, or are suspected of becoming radicalised. Staff must report their concern, as per the Safeguarding Procedure to the Headteacher/Designated Child Protection Officer or to the Chair of Governors, if the concern is about the Headteacher. Failure to do so may constitute a breach of the ‘duty of care’ and the employee may face disciplinary action.

## **9. POSITION OF TRUST**

- 9.1 A relationship of power and trust exists between all staff and pupils, their families or carers. Employees represent the powers and duties of the school. They are placed in a position of trust to assist in the delivery of education to pupils who may be vulnerable. It is the responsibility of all staff to ensure they do not abuse or appear to abuse that position of trust in the way they conduct their relationships with service users, their families or carers. Relationships that are thought to be at risk of, or have already extended beyond, what may be considered professional are not acceptable.
- 9.2 The key characteristic of the professional relationship is that the sole objective is meeting the assessed needs of pupils within agreed school policies that prevail at any given time. At no point must the needs of the employee, unrelated to professional practice, take precedence. Emotional involvement or behaviour that is, or may be seen to be (by a reasonable person), primarily in employee interests, rather than meeting the assessed needs of service users, may be defined as extending beyond the professional role.
- 9.3 Unless there is sound reason to do so, and the action is taken with the express knowledge and approval of the Headteacher, and the decision is officially recorded:
- an employee must not make personal arrangements to see service users, pupils, their carers or families outside directed or contracted hours
  - an employee must not take service users, their carers or families to their home
  - an employee must not give their telephone number or address to service users, their carers or families
  - an employee must neither sell nor buy property from service users, their families or carers (the school will identify what this might reasonably include)

9.4 Some examples of specific behaviour that will not be allowed and which may lead to disciplinary action include:

- sexual contact
- lending/borrowing money or property
- witnessing wills or acting as a named executor
- arranging extra help for a fee
- giving or receiving gifts

Whether motivated by a desire to support pupils, or less well intentioned or illegal motives, all such behaviour presents a risk to the professional relationship.

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

- engage in activity or associating with individuals or people, whose current or past behaviours could raise doubts or concerns about an employee's own integrity or ability to be in a 'position of trust' with regard to children this could have a direct consequence on their ability to continue in employment/role.as a current relationship with an individual, or is known to associate with individuals, who have convictions for child abuse. The employer may not have raised any concern regarding their activity at work but their out of work relationships would call into question their position of trust and may be considered as bringing the Council into disrepute.
- has communicated with children, in a manner that could be deemed to be inappropriate.

9.6 It is difficult to give the full list of potential conflict of interest, but the simple test is to ask the question:

"if this issue became public knowledge could it raise questions about my integrity and could it bring the school/council into disrepute?"

If the answer is "yes" or "possibly" or "I'm not sure" the employee is obliged to raise it with the Headteacher so that this matter can be given further consideration

## 10. EQUALITY OF OPPORTUNITIES FOR ALL

10.1 The school/Trust, and Luton Borough Council, are committed to ensuring people receive equal treatment in all aspects of service delivery and employment activities. Employees therefore, in all aspects of their work, must ensure that they treat no individual less favourably than any other. Colleague employees, service users, Luton Citizens and the general public must be treated with dignity and respect.

10.2 Employees should make sure that they are familiar with the school's policy in respect of **Equal Opportunities**, which can be found in the Safer Recruitment and Selection Policy, Appendix 1 and in relation to the **policy and procedure for Harassment and Bullying for all employees**, these must be read in conjunction with this Code.

10.3 Everyone should make reasonable efforts to develop and maintain appropriate skills in valuing diversity.

## **11. CONFLICTS OF INTEREST & WORK OUTSIDE THE SCHOOL**

- 11.1 All employees, no matter what level of pay are advised not to engage in outside activities whether paid or unpaid that may conflict with their school work, or be detrimental to it. All employees are advised to seek permission from the Headteacher in relation to undertaking such activities, and it will be for the Headteacher/Governing Body to determine whether the interest of the school is likely to be harmed.
- 11.2 It is difficult to give a definitive list of potential conflicts of interest, but the simple test is to ask the question; “If this issue became public knowledge could it raise questions about my integrity and could it bring the school into disrepute?” If so, permission should be sought, if not permission will not be required.
- 11.3 Where the activity is paid the employee should ensure they notify the Head teacher so that the school can meet its responsibilities regarding the Working Time Directive and Health & Safety and any other legal responsibilities. Once the Head has considered the likely impact, if it is detrimental to the school permission will not be given.

## **12. AWARDING CONTRACTS**

- 12.1 The school/Trust/Council wishes to ensure that in awarding contracts, fair and open competition prevails at all times. This means therefore that: -
- No private, public or voluntary organisation or company which may bid for school business should be given any advantage over its competitors, such as advance notice of the school’s requirements. This applies to potential contractors, whether or not there is a relationship between them and the school, such as a long running series of contracts.
  - Each new contract must be awarded on merit, taking into account the requirements of the school and the ability of the contractor to fulfil them.
  - No special favour should be shown to current or former employees or their close relatives, friends or associates, or governors in awarding contracts to private or other businesses run by them or employing them in a senior or managerial capacity. Contracts may be awarded to such businesses where they are won in fair and open competition against other tenders or quotations, but scrupulous care must be taken to ensure that the selection process is conducted impartially, and that employees/governors who are known to have a relevant interest play no part in the selection.
  - In compliance Council Policy the Governing Body will ensure that all invitations to potential contractors to tender for Council business include a notice warning tenderers of the consequences of engaging in any corrupt practices involving employees of the school/Council.
- 12.2 Employees therefore should ensure that where they believe that there may be a potential conflict of interest in the selection of any contractor, that they should inform the Headteacher/Chair of Governors to determine/clarify the level of their involvement in the selection process.
- 12.3 Employees’ attention is also drawn to the issue of influencing, or potentially attempting to influence, the decision as to whether a person who is related, or known to an employee, is offered a contract of employment with the school. In the event that a relative applies for a post with the school, the applicant must record their relationship as a part of the application form. Likewise, the employee is required to inform the Headteacher/Chair of Governors in writing of his/her relationship and should ensure that they do not take part in, or attempt to influence in any way, the selection recruitment process. Employees are advised, that where anyone who is “closely” known to them outside of the school, applies for a post within the school, that they should not become involved in any way with the selection process for that particular post.

### **13. HOSPITALITY AND THE ACCEPTANCE OF GIFTS**

- 13.1 The Local Government Act 1972 states that an employee shall not under colour of his office or employment accept any fee or reward other than their proper remuneration (i.e. salary/pay).
- 13.2 Recognising that the interest of the school/Council must remain paramount at all times and that employees should not use their official position for private gain, employees should not accept gifts, inducements or promotional offers for their personal use or that of colleagues. Casual gifts from pupils or offered by contractors or others, for example at Christmas or the end of term time, which may not in any way be connected with the performance of duties so as to constitute an offence under the Prevention of Corruption Acts, need not necessarily be refused, but if there is any concern that the donor (for example a parent, supplier or contractor) may be trying to gain favour then they should be politely and firmly refused or employees should seek guidance from their Headteacher.
- 13.3 Employees should not, for personal gain or benefit, solicit, accept or request payment by way of money, goods, services, discounts or any other means from any school/Council agent, contractor, supplier or a member of the public. Nor should an employee accept or request payment from any pupil at the school, unless this arrangement is agreed by the Headteacher/Governing Body and is for the financial benefit of the school.
- 13.4 No employee is entitled to retain on a personal basis any goods, gifts, money or service discounts which are a normal purchase or promotional offer to the school. Where gifts are received which are the subject of a normal purchase or promotional offer, or where a gift is made and the donor refuses to take the gift back, these must be reported immediately to the Headteacher. The employee must ensure that these gifts have been recorded as received in the appropriate "Gifts and Hospitality" record book held within the school. If any employee is unsure whether the acceptance of hospitality is likely not to be in the school's interest they should seek the advice of the Headteacher/Chair of Governors in the first instance.
- 13.5 Any employee who is approached by a firm offering inducements, or who believes that they have inadvertently committed the school contractually for supplies and services that are not in the best interests of the school, must immediately notify the Headteacher.
- 13.6 The school's delegated budget must not be used for hospitality which is lavish, extravagant or exceeds modest proportions. The Governing Body has agreed parameters within which the Headteacher may take financial decisions. Any employee likely to incur such expenditure must seek the approval of the Headteacher first. Any expenditure outside the limit set by the Governing Body must be referred to the appropriate committee of the Governing Body for ratification.

### **14. COMMERCIAL CONFIDENTIALITY/DATA PROTECTION**

- 14.1 Employees must not make public, without the express agreement of the Headteacher/Chair of Governors as part of the normal processes of the school, any internal information that they may be aware of as part of their employment with the school/Council, whether or not this is for personal gain, or the personal or financial gain of others. This is particularly important where it may prejudice the principle of a purchasing or a contracting system based on fair competition. Employees are also bound by the Data Protection Act in not releasing to a third party, other than for internal purposes as part of normal work requirements, any information held in respect of any employee or person who has dealings with the school/Council for any reason.

## 15. CRIMINAL OFFENCES

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

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

- any crime against Luton Borough Council or a Public Body, e.g. Housing Benefit fraud, damage to the Council's property, or abuse of, or assault upon any Council employee (whether or not they are undertaking their duties at the time)
- any crime involving dishonesty/fraud if the employee's post involves responsibilities for budgets/cash/non-cash monies/ assets or where s/he has access to vulnerable people in a lone-working situation or manages contracts
- any crime or spent crime if the employee is working directly with, or has regular unsupervised contact with children or young people under 18 years of age; those with mental impairment or those with a sight, hearing or speech impediment. (Note: disclosing all convictions does not necessarily mean action will be taken against the employee, as it will need to be viewed against the relevance or otherwise for the employee to be considered suitable to continue to undertake the particular job).
- crimes of assault where the employee is working directly with vulnerable clients
- any crime that is deemed to bring the school/Council into disrepute

This list of examples is not exhaustive.

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

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

15.5 It should be noted that the term "conviction" includes a finding of guilt regardless of whether or not a conviction is recorded.

15.6 Failure to notify the Headteacher/Chair of Governors of a Police Investigation, arrest, charge or conviction will constitute ground for disciplinary action.

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

## **16. DRIVING DISQUALIFICATION**

- 16.1 Employees, or whose job requires a driving licence, **must immediately** inform the Headteacher/Chair of Governors if they are disqualified from driving for medical or criminal reasons.
- 16.2 For those employees disqualified from driving on the grounds of medical reasons, reasonable efforts will be made to redesign the job to exclude the requirement to drive (temporarily or indefinitely). Where this means redeployment is to a job on lower remuneration, pay protection will be in accordance with the current policy or conditions of service and the school will make every effort to identify equivalent, alternative responsibilities regarding this.
- 16.3 For those employees disqualified from driving on the grounds of criminal reasons, reasonable efforts will be made to redesign or redeploy the employee role. Where this is possible, but results in a lower paid job, no pay protection will apply.

## **17. USE OF COUNCIL FACILITIES**

- 17.1 Facilities that are provided by the school and used by employees as part of their normal duties, must not be used, or abused by employees for their own private use or gain. This will cover all school property, for example telephones, computers, vehicles, safety equipment/clothing, tools, fax machines, franking machines, paper. etc. School property should not be taken home, or taken away from the normal place of work, unless prior permission has been given by an employee's immediate supervisor/manager or unless these are acceptable resources to fulfil the contractual requirements of the job at home (for example planning, preparation and marking).
- 17.2 This school anticipates the following resources may be used at home, by the **employee only**:
- Laptop computer
  - Text books
  - Mobile phones (by Premises Manager and Site Agent only)
  - ipads
  - Digital camera
  - Visualiser
- 17.3 Arrangements do exist, for employees in certain situations and without overly abusing the privilege, to use school telephones to make private calls.

## **18. DRESS CODE**

- 18.1 Following consultation with staff the school has agreed the following dress code as appropriate, in a professional capacity. This takes into account equality legislation.

All staff (teachers and non-teaching staff) should endeavour to maintain a professional appearance and to wear appropriate clothing. See the following guidelines.

- Tops should be modest e.g. no revealing straps, no gaps etc.
- Trousers should be smart and full or three-quarter length e.g. no jeans, no combats etc.
- No denim should be worn.
- Shoes should be sensible and smart.

An exception to this will be for PE and Games lessons. Appropriate clothing and footwear must be worn for these lessons for health and safety reasons.

The dress code should be adhered to on out of school trips when pupils are expected to wear school uniform. On trips where pupils are permitted to wear casual clothes then staff accompanying them may also do so e.g. Adventure Parks etc.

## **19 SANCTIONS FOR THE BREACH OF THE CODE**

19.1 This Code of Conduct forms part of all employee's terms and conditions of appointment. Any breach of this Code therefore will be dealt with under the school's agreed disciplinary procedures, and may, subject to the seriousness of the breach, lead to a dismissal from the school. In cases where the breach is the subject of police investigation, the school will not wait for the Criminal Justice or other legal system to run its course before commencing disciplinary investigations.

19.2 Where inappropriate behaviour by an individual engaged on a contract of services, or employees not subject to a disciplinary procedure e.g. those during their probationary period then their services with the school will be terminated following the probationary procedure.

## **20. WHERE TO OBTAIN FURTHER ADVICE**

Any queries in respect of this Code should be raised with the Headteacher.

**William Austin Junior School**

**Policy for Staff Conduct**

**Agreement Form**

As you read through the Policy for Staff Conduct please answer the questions below.

1	What does this policy set out?	
2	What do you know about being a role model?	
3	Whose responsibility is it to ensure that employees conform to the Policy for Staff Conduct?	
4	How should you treat people with whom you have dealings?	
5	What do you understand about socially unacceptable language?	
6	What can you say about maintaining professional relationships?	
7	To whom would you report any child protection concerns?	
8	What purpose does the Whistle Blowing Policy have?	
9	What do you understand by the position of trust?	
10	What are the possible sanctions for breaching the Policy for Staff Conduct?	
11	Are there any points that you would like clarification on?	

Please sign and return this for to the Headteacher as soon as you have completed it. By signing this form you are confirming that you have been provided access to the school's Policy for Staff Conduct and that you have read and understood the policy. The policy forms part of your terms and conditions of employment.

Signature:	Name:
Position:	Date:

**WILLIAM AUSTIN JUNIOR SCHOOL**  
**POLICY FOR STAFF CONDUCT**  
**GUIDELINES ON CONFLICT OF INTEREST**

**Purpose of the Guidelines**

These guidelines seek to protect both individuals and the school/Council. They reiterate and augment policies and guidelines already in place (and must be read in conjunction with these) especially those with regard to the Policy for Staff Conduct for Employees and employment of support staff in Politically Restricted Posts as defined within Part 1 of the Local Government and Housing Act 1989. Importantly they also cover areas of unpaid (or nominally paid) activities as well as situations where criminal and other offences are involved.

**Aims and Objectives**

These guidelines are intended to inform everyone covered by them of their responsibilities and the requirements that the school/Council places upon them in order to protect both them and itself against real or perceived conflict of interest situations or bring the school/Council into disrepute.

**Scope of the guidelines**

These guidelines apply to all individuals who work for the school as employees or via contracts for services. They inform all such individuals and their managers of their responsibilities in a range of potential conflict of interest situations, particularly those not covered by other policies, procedures or statutory requirements.

**Conflict of Interest - Unpaid Work**

Many of Luton Borough Council's employees offer back their skills, services and time to the local community through a variety of unpaid (or expenses only paid) posts. The Council appreciates that these offer the community access to precious skills, local knowledge, enthusiasm and commitment as well as a means of stretching and developing the individuals concerned. It believes that this tradition of voluntary, unpaid work is an essential contributor to Luton's capacity to flourish and is proud of the contribution made by its employees.

In recognising this, the school wishes to ensure that neither its employees who undertake these activities, nor the school/Council itself are exposed to damaging or potentially damaging 'conflict of interest' situations. In issuing the guidelines below it does not wish to impose unnecessarily onerous restrictions on its employees but believes that adherence to these parameters is important to protect individuals and the school/Council from such situations, which have caused problems in the past.

## Examples of areas covered by these guidelines

**(Note:** conflict of interest will usually only arise where the unpaid activities are undertaken within the Borough of Luton. The guidelines only apply to such situations.)

- management committees of community/leisure centres
- tenants' (Council property) committees / committees of residents' action groups
- governing bodies of other Luton LA schools either in capacity as Governor or Clerk to the Governors
- running/organisation of voluntary Youth Groups including scouts, guides, Church groups, self-help play schemes or similar
- committees of local sports clubs, other leisure activity clubs or similar
- organisation in receipt of grant aid or other support from the Council.

### (a) **Employee Responsibilities**

- Employees who already hold positions similar to those above -whether or not they have already done so and received clearance - should inform the Chair of Governors in writing of the position held and the remit of the post.
- Wherever possible, employees should inform the Headteacher as soon as they are aware that they may be going to do such work, e.g. if they are nominated for election to a committee / if they are thinking of applying for a post.
- Discussions should take place at this stage about the nature of the unpaid work to be undertaken and any potential areas of conflict with the individual's employment with the school/Council.
- If directed to do so by the Headteacher, employees will need to seek approval from the Chair of Governors.
- Employees should notify the Chair of Governors in writing as soon as they assume their unpaid position. This should indicate clearly the nature and parameters of the position.
- Employees should notify the Chair of Governors in writing of any changes in the circumstances of their unpaid post.
- Employees will receive written approval from the Chair of Governors. This will include any restrictions required by the school/Council which it deems are necessary to minimise the risk of conflict of interest situations arising. Any restrictions imposed will be proportional to any conflict of interest. Unnecessary or disproportionate restrictions will not be imposed but where any such restrictions are placed, employees will be required to sign and return a copy indicating their acceptance of them.
- If employees are not given approval to undertake their unpaid work or they are not prepared to accept the conditions placed upon them by the Governing Body they will have the choice of continuing with their unpaid employment **or** their employment with the school.
- employees should keep the Headteacher/Chair of Governors apprised of any developing situations which have the potential to result in a conflict of interest.
- Where there is a failure to follow these guidelines in declaring a potential conflict of interest situation or inappropriate, negligent or reckless employee behaviour in such situations, the school will have recourse to the disciplinary procedure. Where such behaviour is by individuals engaged on contracts of service, employees not subject to a disciplinary procedure or consultants, then their services with the Council will be terminated summarily.

(b) **Headteachers' Responsibilities**

- When initially notified by employees of their wish to take up unpaid posts /activities within the Borough, careful consideration must be given to the likelihood of conflict of interest situations arising from this. This should include an assessment from both a school and Council-wide perspective. Managers may seek advice from the Internal Audit Section or Human Resource Team. A balanced assessment proportionate to the actual likelihood of conflict of interest needs to be made for each case carefully considering all the individual circumstances.
- Certain positions, including school governor in another school, management committee of local community centre or tenants' (Council property) committees should be reported to the appropriate Committee for information. Where there is any doubt about any other position or where advice to that effect has been tendered by Internal Audit, the appropriate Committee should be advised.
- Written preliminary approval should be given to an employee. This should state clearly any restrictions placed upon this approval. Any restrictions need to be necessary for the specific case and proportionate to the likelihood of conflict of interest.
- After an employee has given notification that they started their unpaid duties, the Chair of Governors should write again, confirming approval and reiterating any restrictions. Where restrictions apply individuals must sign to show that they understand and accept these.
- A school register should be kept of all requests and approvals /refusals.
- This register should be reviewed regularly - at least once a year.
- Where managers believe that the individual's requests are likely to lead to conflict of interest situations, after discussion to see whether any restrictions might minimise the risk of these satisfactorily, they should write to the individual refusing permission and explaining why it has been refused. Individuals **must** be asked to respond indicating that they have received this decision and will abide by it. Where individuals dispute a decision given by a Headteacher (as opposed to the Governing Body) they will have the right of appeal to the Governing Body, only whose decision will be final. Where a request has been rejected and an appeal has been lodged the individual employee is advised not to undertake the activities that have been viewed as likely to lead to conflict of interest pending the outcome of the appeal. If the appeal is rejected, the individuals will have the choice as to whether they do accept the decision or leave the Council's service.
- where managers believe that an employee has disregarded these guidelines or has behaved in a manner that as resulted in, or exacerbated a conflict of interest situation, particularly where this might be deemed to have brought the Council into disrepute, then the school's disciplinary procedure will be invoked. Where the individual concerned is not subject to a school disciplinary procedure (i.e. not an employee), then his/her services with the school will be terminated summarily.

(c) **Justices of the Peace**

- The appropriate approvals must be sought from the Governing Body in line with above guidelines. Council employees who sit on the Luton Bench will be required by the Lord Chancellor **not** to hear any case that directly involves Luton Borough Council. They will receive additional guidance from the Clerk to the Court about the avoidance of any conflict of interest.

(d) **Membership of Clubs/Associations**

It is vital that employees or governors should not allow the impression to be created that they are, or may be using their position to promote, or benefit from a private or personal interest for themselves (or their close relatives and/or friends). Private or personal interest or undue influence could arise through the membership of, or association with clubs, associations, societies (for example Freemasons, Rotary, Round Table etc.). Employees are advised therefore that where they believe that their relationship with such bodies, may, through activities that they are involved in, conflict with the employee's position within the authority, that they should make the Headteacher aware of the particular relationship and the potential conflict. Any attempt to influence, or exert undue pressure on an employee by virtue of such membership must always be resisted and reported.

(e) **Local Trades Unions Officials and Stewards**

Trades unions officials and stewards within the Council must ensure that any issue or situation in which they are involved does not involve conflict with their position as an employee of the school/Council and the explicit requirement within this not to bring the Council into disrepute.

Generally, the more senior the job held by an individual, the more the care that will need to be exercised in this respect.

Where employees do find themselves in such conflict of interest situations, their responsibilities to the school/Council take precedence and they must desist from their trade union involvement in the issue at once.

**5. Conflict of Interest - Other Paid Employment**

The school does not wish to impose unnecessary restrictions upon employees to gain employment or secure other legitimate forms of income in addition to working for the school. However, the school must be mindful of its responsibility under The Working Time Directive 1998, the Health and Safety at Work Act and its general responsibilities towards the health of its employees. In addition, and as referred to in the guidelines above it must be mindful of any conflict that could occur between the normal business of the school/Council and an employee's "other outside work". In this respect therefore, the Council continues to apply as a condition of service to those on the leadership group or in receipt of a salary on Spinal Column Point 26 and above, that they devote their whole time service to the work of the Council and shall not engage in any other business or take up any appointment without the express consent of the school. Any request from an employee on the leadership group or on spinal column point 26 and above must, therefore, be submitted in writing as explained in 4(a) above and sent to the Headteacher/Chair of Governors. As outlined in 4(b) above the Headteacher/Chair of Governors will consider each request on its individual merits having regard any conflict of interest there may be with the school's/Council's work but will also give consideration to the likely impact, from a health and safety point of view, on the employee's ability to undertake the additional work over and above that required of the school. Each case will be assessed to arrive at a decision which is proportionate to the element of risk and which does not place any unnecessary restrictions upon the individual.

All employees, no matter what level of pay are advised not to engage in outside employment which may conflict with their school work, or be detrimental to it. They are advised to tell the Governing Body through the Headteacher if they think they are risking a conflict of interest, and it will be for the Governing Body to determine whether the interest of the authority is likely to be harmed.

This policy has been agreed with the relevant trades unions and adopted by the Governing Body.

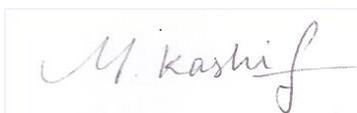
This policy will be monitored and reviewed by the Governing Body on an annual basis.

Policy updated: July 22

Staff responsible: Sally Bacon

This policy was ratified by the Governing Body on: 13<sup>th</sup> July 2022

Signed on behalf of the Governing Body:



(signature)

M. Kashif - Chair of Governors

(printed)