



**South East Cornwall Multi Academy Regional Trust**

# **Code of Conduct for Staff in Academic Settings**

<b>Date</b>	<b>Changes</b>
3/9/17	Original draft circulated to LGCs and Trust Board
26/3/18	All SMART-Trust policies which unions requested further consultation on were removed from sites and previous policies reinstated to enable establishment of a JCNC and a fresh round of consultation
14/12/18	Updated draft circulated
13/03/19	Copy sent to senior staff, unions, LGC, legal and Trust Board inviting comments
01/05/19	Consultation with unions in JCNC meeting at Liskeard
17/06/19	Recommended by People Committee for approval by Trust Board
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## **Introduction**

The Trust relies upon the goodwill, reliability and loyalty of its employees. As a publicly funded body, the public expect conduct of the highest standards from Trust's staff and public confidence would be shaken should suspicion arise that any staff member might be influenced by improper motives.

All staff have personal and legal responsibilities, including (but not limited to); treating others with dignity and respect; acting honestly and in the best interests of the Trust; using public funds and Trust equipment appropriately, responsibly and lawfully; adhering to health and safety guidelines; practising equality of opportunity at all times. These expectations are set out below and should be fully observed by all employees at all levels as well as all members, trustees, local governors, volunteers and other adults engaged by SMART; for the purposes of this policy, they will be collectively referred to as "staff".

This document is not a prescriptive guide to what staff should and should not do. It highlights the principal areas where staff need to be aware of their responsibilities when working in the Trust and is a framework for expected standards of behaviour. Staff should ensure they are familiar with the specific policies that underpin these behaviours through reference to the documents highlighted as "required reading" throughout this Code, as summarised at the Appendices. If these documents are not supplied at induction, the employee should be given to them by their line manager. In addition to this copies can be accessed them via the Trust's website.

## **Compliance with the Code of Conduct**

Failure to comply with the Code of Conduct and with the associated Trust's policies may result in disciplinary action being taken.

## **Professional behaviour, conduct and performance**

### **Treating other people equally and with dignity and respect**

Staff should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and all individuals.

All staff are required to treat other colleagues, students and external contacts, such as parents/carers, with dignity and respect and to comply with the Trust's equality expectations. Within the workplace there should be mutual respect and employees' language and behaviour should be conducive to a productive and professional work environment, with all employees having the right to be treated with fairness and equity.

Unacceptable behaviour such as discrimination, bullying, harassment or intimidation will not be tolerated by the Trust. This includes physical and verbal abuse and use of inappropriate language or unprofessional behaviour with colleagues, students, parents/carers or others.

## **Appropriate relationships with children and young people**

Staff are expected to act in an open and transparent way that would not lead any reasonable person to suspect their actions or intent. Staff in academic settings are in a position of trust and have a duty to protect young people from discrimination and harm and to maintain appropriate professional boundaries. It is equally important for staff to avoid behaviour that might be misinterpreted by others in order to protect both children and young people and themselves. Staff are required to read and understand the Trust's policies on safeguarding and child protection, the DfE's Keeping Children Safe in Education (Part 1), ICT Acceptable Use Policy and the document "Guidance for safer working practice for those working with children and young people in education settings".

## **Professional conduct**

Staff must not misuse or misrepresent their position, authority, status, power, qualifications or experience or bring the reputation of the Trust into disrepute. Such behaviour may lead to disciplinary action and where relevant, referral to the Teaching Regulation Agency or other professional bodies.

Staff are required to comply with reasonable instructions within their contractual duties, serve the Trust personally and faithfully, exercise reasonable care and skill in carrying out their work, abide by the law and not to disclose confidential information, including after their employment or engagement ends.

Staff are expected to comply with the Trust's Policies covering standards of timekeeping, attendance and leave of absence.

- Staff attendance policy
- Leave of absence
- Flexible working policy

## **Criminal actions**

Trust staff must inform their Headteacher (or Local Governing Committee for the Headteacher, CEO for CBU staff and Trust Board for CEO) immediately if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution. The Headteacher (or Local Governing Committee, CEO or Trust Board) will discuss this with the person in the context of their role and responsibilities in order to help safeguard children and other staff at the Trust.

## **Providing balanced views**

In discharging their duties, staff must take every reasonable step to be mindful of the authority they often have in the eyes of children and hence ensure that, should there be an occasion in which they share their own views or opinions they should ensure that children are provided with a balance overall and are aware what is opinion as opposed to fact. Personal appearance

The Trust expects staff to observe a standard of personal appearance that is appropriate to the nature of the work undertaken, and which portrays a professional approach that the public will have confidence in.

## Gross misconduct

Standards of conduct and performance are determined by senior management, but the list at Appendix 3, which is neither exclusive nor exhaustive, provides examples of offences that are normally regarded as gross misconduct and which could lead to dismissal. Please refer to the Disciplinary Policy for further information.

## Common courtesies

When staff are necessarily required to enter a classroom or talk to a member of staff in a learning space during a lesson, they should consider the needs of the learners, the teacher and other staff supporting the lesson with the aim of causing the minimum disruption, preferably waiting by the door to be invited in, or await the staff member to engage outside the classroom.

When staff are necessarily required to enter an office or other non-learning environment to talk to a colleague, they should consider the needs of their colleague, bearing in mind that staff are often engaged in work of a confidential nature, including phone calls, or may be working on complex issues that require clarity of thought. It is not appropriate to stand and listen while colleagues are engaged in phone calls or to interrupt staff. It is preferable to knock and wait to be invited in to the room or wait until it is convenient for your colleague to engage in conversation.

Required reading in support of this section, staff are required to read:

- Trust's Safeguarding and Child Protection Policy.
- DfE's Keeping Children Safe in Education (Part 1 - all staff) (Part 2 - members, Trustees, local governors, school leaders).
- (Teachers only) Teachers' Standards.
- Guidance for safer working practice for those working with children and young people in education settings.
- Discipline Policy
- Tier 1 Safeguarding Leaflet for their school.
- ICT Acceptable Use Policy for their role.
- Additional guidance/policies provided by the Trust, in particular Behaviour Policy and Positive Handling/Physical Restraint.

## Declaration of interests

An employee is required to declare any pecuniary interests. Membership of a trade union or staff representative group would not need to be declared.

Staff should also consider carefully whether they need to declare to the Trust their relationship with any individual(s) where this might cause a conflict of interest with Trust activities, including recruitment or other personnel matters, for example, a relationship with a trustee, local governor, another staff member or a contractor who provides services to the Trust. Staff in this position should not be involved in any decision making process that could potentially benefit them, or the other person(s) involved, financially or materially.

Failure to make a relevant declaration of interest is a very serious breach of trust and therefore if staff are in doubt about a declaration, they are advised to take advice from the Trust or their trade union.

All declarations should be submitted in writing to the Headteacher or Clerk to the Trust Board on the Trust's Declaration of Interests Form at Appendix 1.

## **Probity of records and other documents**

The deliberate falsification of documents is not acceptable. Where an employee falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence.

## **Financial inducements**

### **Finance Policy**

All Trust staff must comply with the Trust's Finance Policy. Staff should familiarise themselves with these regulations: some of the principal staff requirements are summarised below.

### **Financial interests**

All staff are required to declare any financial interests they have in companies or individuals from whom the Trust may purchase goods or services. The register is open to public inspection. The register should include all business interests such as directorships, share holdings or other appointments of influence within a business or organisation which may have dealings with the Trust. The disclosures should also include business interests of relatives such as a parent, spouse or family member or business partner where influence could be exerted over a member of staff by that person.

Staff should not deal in shares or other securities of any organisation when they have, in their possession as an employee or staff member, unpublished information which, if published, might affect the value of that organisation's share or other securities.

### **Declaration of gifts**

Ordinarily gifts should be rejected, unless they are of negligible value (e.g. diaries, calendars, branded stationery). However, any gifts or hospitality in excess of £10 should be reported to the Chief Financial Officer (CFO) in order to protect the individual receiving the gift. This is particularly important where the person receiving the gift is a Trustee, Local Governor, a Budget Holder, has the ability to influence purchasing decisions or regularly receives reimbursement from the Trust for items other than travel expenses. Any gifts that are received should be declared in writing to the CFO on the Register of Gifts and Hospitality (Appendix 2) with the exception of those items specifically identified in sections 6.4 and 6.5 below. This document shall remain available for inspection by the Trust's auditors.

### **Gifts or hospitality to a member of staff or to a member of their immediate family**

Where a business contact or a contact seeking to have any dealings with the Trust offers a personal gift, personal payment or other incentive such as secondary employment to a

staff member or to a member of their immediate family, these should not be accepted or should be returned with a suitable official letter sent via the Clerk. Such offers should be declared to the CFO and recorded in the Register of Gifts and Hospitality.

If it is not possible to return gifts, then the staff member who deals with that supplier should declare the gift to the CFO who will keep a record of it and decide how it is to be used. Such gifts remain the property of the Trust and should be included in the Register of Gifts and Hospitality. This document is available for all staff to request a copy at any time.

The only exceptions to these are:

- Low cost, functional items suitable for business use (rather than personal use) and displaying the supplier's logo e.g. diaries, calendars and pens. These items may be accepted and do not have to be included in the Register of Gifts and Hospitality.
- Gifts offered by parents or students to Trust staff to express their thanks, such as flowers or boxes of chocolates. However, only gifts with an individual value in the region of £20 or less may be accepted. Such gifts do not have to be declared in writing to the CFO or be included in the Register of Gifts and Hospitality.

For the avoidance of doubt staff must always refuse gifts of money.

Where hospitality in the form of meals and drinks is offered by a business contact, this is only acceptable where it forms part of a normal business meeting (for example, refreshments at training events or meals at evening meetings). Offers of hospitality to specific events, such as dinner or sporting event, should only be accepted after authorisation from the CFO. These should be approved where there is a clear and demonstrable benefit to the Trust and the hospitality would not expose the Trust to criticism that the business contract was exerting undue influence. These should be recorded in the Register of Gifts and Hospitality.

Visits by staff to exhibitions, demonstrations, conferences, business meals and social functions in connection with the Trust's business and authorised by the Trust, shall be at the Trust's expense.

Any bequests to a member of staff that arise through the provision of a Trust service by that staff member to the public should be declared as soon as possible to the CFO. The CFO will make enquiries into the circumstances surrounding the bequest and, in consultation with the Trust Board, shall determine whether or not the bequest was in any way improperly sought or encouraged by the member of staff and, consequently, would amount to misconduct.

For the avoidance of doubt, no bequest can be accepted by a member of staff.

## **Gifts or hospitality to the Trust**

Where a business contact sends a gift to the Trust (for example, a stationery supplier sending a gift), this should not be accepted and should be returned to the supplier with a letter from the Clerk. Such offers should be declared to the Governing Body and recorded in the Register of Gifts and Hospitality.



If it is not possible to return the gift, the employee who usually deals with the supplier should declare the gift to the CFO who will keep a record of it and decide how it is to be used. Such gifts remain the property of the Trust and should be included in the Register of Gifts and Hospitality.

The only exceptions to this are low cost, functional items suitable for business use (as opposed to personal use), such as diaries, calendars or pens, which may be accepted and do not have to be declared on the Register of Business Interests.

Gifts or vouchers are sometimes given as part of a sales promotion drive for a certain level of orders and become the property of the Trust; in managing these transactions, the overriding consideration must always be value for money and the best interests of the Trust.

Where the person or body offering the hospitality has a matter currently at issue or in dispute with the Trust then any offer of hospitality shall be refused.

## **Use of Trust contacts**

Apart from participating in concessionary schemes arranged by trade unions or other such groups for their members, staff shall not use Trust business contacts for acquiring materials or services at trade or discounted prices for non-Trust activities.

## **Use of Trust premises and equipment**

Trust equipment and premises are available only for Trust-related activities and should not be used for fulfilment of another job or post or for excessive or regular personal use, unless authorised in writing and in advance by the CFO.

This includes photocopy facilities, stationery, telephones, computers, vehicles and premises. Any Trust equipment that is used outside of Trust premises, for example laptops, should be returned to the Trust when the employee leaves employment or upon request by the Trust.

## **Other employment and private trading**

Staff are permitted to take up secondary employment outside the Trust, as long as the activity does not constitute a conflict of interest, adversely affect their primary employment at the Trust or exceed the legal maximum working week of 48 hours as defined by the Working Time Regulations.

The secondary employment must be undertaken outside the working hours of the employee's normal post and staff are required to keep their Headteacher (or the Local Governing Committee for the Headteacher, or CEO for CBU staff or Trust Board for CEO) informed of their employment at other organisations.

Staff are not allowed to carry out private trading, including the posting and distribution of private trading literature, on the Trust's premises, while on Trust duties or via the Trust's websites or email system.

## **Health, Safety and Wellbeing**

The Health and Safety at Work Act 1974 places a duty on staff whilst they are at work to take reasonable care for the health and safety of themselves and others; consequently staff are legally bound to comply with all safety rules and instructions set by the Trust and must adhere to the establishment's Health, Safety and Wellbeing policy, procedure and guidance and must ensure that they take every action to keep themselves and everyone on the Trust's premises or on Trust activities safe, well and free from harm.

This includes taking immediate safety action in a potentially harmful situation (either at the Trust premises or while off-site) by complying with statutory and Trust guidelines and collaborating with colleagues and the appropriate agencies.

## **Substance use, misuse and abuse, including alcohol, prescribed medication and illegal drugs**

Possessing or taking illegal drugs or substances during working hours is unacceptable and will not be tolerated.

All staff are expected to attend work without being under the influence of alcohol, illegal drugs or other substances and without their performance being adversely impacted by the consumption of alcohol, drugs or other substances.

If substance use, misuse or abuse impacts on a staff member's working life, the Trust has the right to discuss the matter with the staff member and take appropriate action, having considered factors such as Health, Safety and Wellbeing, the Trust's reputation and public confidence.

Staff are encouraged to seek help as soon as they believe they have a problem; the Trust can make a referral to an Occupational Health provider, if necessary. Any such help or onward referral will be handled confidentially.

Staff taking prescribed drugs are required to advise their line manager if any such drugs are likely to have an adverse effect on, or in any way impair, their ability to drive, to use equipment, to use sound judgement or in any other way prevent them from fully and safely exercising their role as required by their employment or engagement with the Trust.

In line with industry standard practice, the Trust will not provide alcohol at events held on the Trust's property or use Trust funding to purchase alcohol.

Please see school policies covering Health, Safety and Wellbeing for further information.

## **Use of communication systems**

For each of the following rules which apply to all forms of electronic communication including phones, computers and any other device which can be used for communication, the Headteacher reserves the right to grant permission in individual cases.

Please refer to the Staff Acceptable Use Policy (AUP) for further details but key points are highlighted below.

All staff will keep all passwords secure and instruct students to do the same. Staff must never share a password. Passwords that may be known by others must be changed immediately. Staff remain responsible if others log in to any site using their username and password unless they have been hacked through no fault of their own.

Staff must electronically lock their computer or phone, or log out if it is left unattended and insist students do the same. Any confidential information printed out must be labelled as such, protected and finally shredded or otherwise permanently destroyed.

Staff will return all portable IT equipment to a secure location, locked cupboard or to IT support when not in use.

Staff must never contact a student using their personal phone or give a student their personal number. A 'School' phone is a mobile or line owned and monitored by the school and should be used.

Staff must only ever use 'school' online accounts to contact any student directly. A 'school' online account is any system owned by the school such as email and O365 or any site which has been set up with at least two staff as administrators with full access, one a post holding teacher. E.g. Twitter is fine if staff don't directly message a student and posts are respectable and appropriate. To use Facebook educationally, staff need to set up a 'school' account overseen by another member of staff. Staff must lock down personal accounts so that only minimal information can be accessed by students. Please ask a senior member of staff for specific advice about any site.

Staff will enforce the student AUP correctly and keep up to date with any changes which will be communicated to them.

Staff must not use working hours for any personal IT use. All staff can use school IT equipment on site and off site including at home. During working hours, IT cannot be used for personal browsing, personal shopping, personal gaming, personal advertising through the school email system or personal social media.

Staff must never knowingly infringe copyright or endorse or encourage others to do so.

Staff must understand that any files or media created, uploaded or downloaded using school software, network or equipment remains the property of the school and may be monitored or withdrawn at any time without notice. For additional security, if it is felt necessary to view staff browsing history or files without their permission then this will only be done by the Network Manager under direct request from the Headteacher or the Deputy in charge of eSafety.

If staff become aware of any member of staff accidentally or knowingly breaking this code they must immediately inform a senior leader.

Staff must understand eSafety is everyone's responsibility and must regularly role model safe use. They should encourage students to use ICT wherever it helps learning, and keep

trying new approaches as they arise so that not only do students benefit from ICT but also from regular repeated messages that reinforce safe use.

Inappropriate use of e-mail and internet systems also includes viewing, publication or circulation of illegal or offensive material, viewing, publication or circulation of junk mail, including chain letters, jokes or large attachments, gambling or gaming; breaches could be treated as disciplinary matters.

Staff who receive inappropriate communications should inform their Headteacher or their line manager immediately.

## **Confidentiality**

All staff at the Trust come into contact with a significant volume of data and information in relation to students, staff, Trust activities and many other matters. For personal and sensitive personal information there is an obligation for all staff to adhere to the requirements of data protection legislation.

No proceedings of any Committee meeting taken in confidence, including the content of any data, document, paper, report nor the contents of any document before any Committee in confidential session should be disclosed to the public, unless required by law, or expressly authorised by the Trust Board.

## **Managing data**

Under data protection legislation staff are required to collect, maintain and securely dispose of personal and sensitive personal information in a responsible manner. E.g. via the school secretary.

Staff are to take appropriate steps to assure the accuracy of all information held by the Trust which they have a responsibility for managing.

## **Disclosing data**

Staff should only disclose information on a need to know basis and should therefore not disclose sensitive information about the Trust, its students or its staff to other parties, for example, parents/carers, colleagues or internet blogs. There are particular exceptions to this; for example, disclosure of suspected or alleged abuse of a student to the relevant authorities, discussion with a person accompanying or representing an employee in a formal meeting or disclosure under the Whistleblowing procedure.

There are circumstances in which staff are obliged to release certain information, for example, in response to a data subject access request or providing student data to those with parental responsibility seeking information about student progress; in every case staff must confirm the entitlement before releasing the information.

Please refer to the separate 'Data Management policy' covering GDPR regulations

All communication with the media must be directed through the Headteacher or CEO.

## **Protecting the anonymity of teaching staff**

Through an amendment to the Education Act 2002, reporting restrictions are in force to protect the anonymity of teachers facing allegations of criminal offences where the victim of the alleged offence is a registered student at the school.

Great care must be exercised in maintaining confidentiality when allegations are made in order to protect teachers against malicious and potentially career ending claims from students, colleagues or parents. The reporting restrictions prohibit details that are likely to lead the public to identify a teacher as the subject of an allegation from being included in any publication. A publication includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public. The reporting restrictions will only cease to apply if the teacher is formally charged with the offence, an order dispensing with the restrictions is made by the magistrates' court or the teacher voluntarily waives their anonymity.

Any breach of the reporting restrictions will constitute a criminal offence and the party responsible for the publication identifying the teacher will be liable to a substantial fine.

## **Access to data**

Everyone has the right to request access to data that is held about them and such requests should be made to their Headteacher who will address the request in conjunction with the Trust's Data Protection Officer.

## **Copyright**

Copyright legislation is displayed next to photocopier machines and staff are required to adhere to the guidance provided about use of educational resources.

All records, documents and other papers which relate to the Trust's business, and which are made by staff in the course of employment or engagement are the property of the Trust. The copyright on all such original records, documents and papers (including copies and summaries thereof) belong to the Trust.

If a member of staff is creating a resource in their own time which they intend to sell commercially they can request to be granted permission by the Headteacher to trial the resource during their employed hours without loss of personal copyright.

## **Confidential reporting procedure (Whistleblowing)**

The Trust is committed to the highest possible standards of openness, probity and accountability, and expects staff who have serious concerns about any aspect of the Trust's work to come forward and voice their concerns, including via the confidential reporting procedure. Please refer to the Trust whistleblowing policy for further guidance).

Staff who fail to report their concerns may become implicated themselves and consequently the Trust may treat failure by a staff member to report such matters as a serious matter which could lead to disciplinary action, as could be the case should a person makes an allegation frivolously, maliciously or for personal gain. Additionally, the

Trust may take action against someone who places confidential information into the public domain when it is unreasonable for that person to do so.

Staff must assist in any investigation or hearing into suspected misconduct.

## **Patents and inventions**


Any matter, or thing capable of being patented under the Patents Act 1977, made, developed or discovered by a member of staff, either alone or with others, whilst in the performance of their duties for the Trust should be disclosed to the Trust through the CFO and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Trust.

## **Key contact**

SMART HR Trustee  
c/o saltash.net community school  
Wearde Road  
Saltash  
PL12 4AY  
Tel: 01752 843715

## Appendices

1. Register of business interests - staff declaration form.
2. Register of gifts and hospitality - staff declaration form.
3. Gross misconduct.
4. Summary of required reading and declaration.

	<b>South East Cornwall Multi Academy Regional Trust</b> A company limited by guarantee, registered in England and Wales, No: 7542166, an exempt charity. <b>RELATED PARTIES DECLARATION</b>		
	Name Address Job Title within SMART		
	Name of Organisation	Date commenced	Nature of Business
Other directorships			
Trusteeships			
Shareholdings			
Other interests			
Interests of spouse/domestic partner			
Interests of dependants or domestic partner's dependants			

I confirm that the above is a complete and accurate record of my current business and related interests and that I will update this form if any changes arise before 31<sup>st</sup> August 2019.

These details have been provided in order to assist in the compilation of the related party transaction disclosures in the year end statutory accounts. Where there have been no material transactions with any of my business interests, no disclosure is required.

I will make the CFO (Chief Financial Officer) aware of any changes with regard to the above.

**ADDITIONAL AUDIT CONFIRMATIONS**

1. Are you aware of any instances of suspected, alleged or actual fraud taking place in the period from 1 September 2017 to date? **YES / NO**
2. Are you aware of any legal action being made against the Academy Trust or where the Academy Trust is pursuing legal action against another party? **YES / NO**
3. Are you aware of any significant events taking place during the period that you feel the auditors should be aware of? **YES / NO**
4. Have you been banned as acting as a Trustee of a charity or a Director of a company during the period from 1 September 2017 to date? **YES / NO**

Signed..... Name..... Date.....





## Register of Gifts and Hospitality

### Staff Declaration Form

#### **SMART Finance Policy - 4.5 Gifts and Hospitality:**

Ordinarily gifts from suppliers should be declined, unless they are of negligible value (eg. branded stationery). However, any gifts or hospitality in excess of £10 should be reported to the Business Manager/ Client Manager in order to protect the individual receiving the gift. This is particularly important where the person receiving the gift is a Trustee, Governor or budget holder and has the ability to influence purchasing decisions or regularly receives reimbursement from the Multi Academy Trust for items other than travel expenses.

Staff members are required to complete a register of gifts and hospitality form. This will detail any acceptance of gifts, hospitality, awards, prizes or any other benefit which might be seen to compromise their personal judgement or integrity. Staff have a responsibility to inform the Trust of any changes.

#### **Declaration:**

I wish to declare the following information in accordance with the SMART Board's requirements that a Register of Gifts and Hospitality should be maintained. You should provide full details of your declaration below, including a nil return:

Declaration of gifts and hospitality		
Date gift or hospitality received	From whom	Details of gift or hospitality (e.g. description, value, disposal)

Name: .....

Position.....

Signature: .....

Date:.....

## Definition of terms

### **Gross misconduct**

Gross misconduct is a serious breach of contract either a deliberate and wilful repudiation of those terms or an act of gross negligence: misconduct, which in the Trust's opinion, is likely to prejudice our reputation or irreparably damage the working relationship and trust between the Trust and you and hence is serious enough to overturn the contract between employer and employee. It will normally lead to dismissal without notice or pay in lieu of notice but other sanctions may be considered by the Trust to be more appropriate especially in the cases of first offence. The following list is not exhaustive, but examples of gross misconduct can include:

- a. inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries;
- b. serious failure to follow our safeguarding and child protection procedures;
- c. bullying, harassment or discrimination related to any of the protected characteristics;
- d. serious or repeated breaches of health and safety requirements;
- e. physical assaults on or intimidation of or threats to or harassment of a colleague, student or member of the public;
- f. unauthorised removal of Trust property or equipment, or malicious damage to Trust property or equipment;
- g. criminal offences that in our opinion may undermine your ability to do your job or adversely affect internal relations, staff or students;
- h. theft or dishonesty at work;
- i. fraud or forgery, including falsification of documents such as expense claims or students' work;
- j. possessing or being under the influence of alcohol, illegal drugs or other substances during working hours within the context of Academy policies covering Health, Safety and Wellbeing of staff
- l. publishing material and/or content which is inconsistent with the expectations of this code of conduct.
- m. serious negligence or a serious or deliberate breach of your contract of employment;
- n. serious or repeated failure to comply with contractual instructions, or any other serious act of insubordination.

- o. abuse of authority, position, power or status.

## **Harassment**

Harassment is any unwanted conduct which has the purpose or effect of:

- (a) violating a person's dignity; or
- (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct:

- (a) related to a protected characteristic (for full details, please refer to the Academy's Public Sector Equality Duty) including Age, Race, Disability, Religion or belief, Gender, Sexual Orientation, Gender Reassignment, Pregnancy and Maternity, Marriage and Civil Partnerships.
- (b) of a sexual nature (sexual harassment).

Harassment is unacceptable even if it does not fall within any of these categories.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him/her. Harassment may also occur even if an individual does not have a protected characteristic, but another individual engages in unwanted conduct towards them because:

- (a) they perceive the recipient to have a protected characteristic; or
- (b) they are associated with a person who does have a protected characteristic.

A single incident can amount to harassment although first-time conduct which unintentionally causes offence will not usually be harassment. However, it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

## **Bullying**

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own. It is also recognised that differences of opinion, outbursts of bad temper etc. may occur from time to time in any normal working environment. If necessary staff can raise issues through the grievance procedure.

**Examples of bullying and harassment.** Bullying and harassment can take the form of physical, verbal and non-verbal conduct. Employees should always consider whether their words or conduct could be offensive. Conduct may be harassment or bullying whether or not the person behaving in that way intends to offend. Examples of unacceptable conduct include:

- unwanted physical conduct including touching, pinching, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
- unwelcome sexual advances or suggestive behaviour or suggestions that sexual favours may further a career or that a refusal may hinder it;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- jokes or comments about an individual's age, disability, sexual orientation or religion, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender or any protected characteristic;
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation, a workplace social activity or from meetings;
- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority, power or status by those in positions of seniority.

## **SMART Code of Conduct for Staff in Academic Settings**

### **Summary of required reading and declaration:**

The following list of policy documents are considered to be essential reading and must be read by all staff. All Academies are committed to training/informing staff of any significant changes to these policies

- a. Safeguarding and Child Protection Policy;
- b. Keeping children safe in education - Part 1 (all staff) and Part 2 (members, trustees, local governors and school leaders only);
- c. Guidance for safer working practice for those working with children and young people in education settings;
- d. Tier 1 Safeguarding Leaflet for your school;
- e. Behaviour Policy;
- f. AUP - Acceptable Use Policy for ICT

### **Declaration**

I declare that I have read and understood these 6 key documents. *(If you would prefer not to sign this declaration, please let your Headteacher know so they can arrange for you to do online courses that cover the same content instead)*

Name..... Position.....

Signature..... Date.....

In addition to the essential reading listed above, the following list are not required reading but you should be aware they are available on the school website and/or smart-trust website should you need to refer to them.

- g. Positive Handling/Physical Restraint;
- h. Finance Policy;
- i. Counter Theft, Fraud and Corruption Policy;
- j. Whistleblowing Policy;
- k. Staff Discipline and Grievance Policy;
- l. Trust's Statement of Health, Safety and Wellbeing Policy.
- m. Your school's Health, Safety and Wellbeing Policy
- n. Code of Conduct Policy for governors (SMART Board, Trustees and local governors only).
- o. Appraisal Policy
- p. Flexible working Policy

All significant processes and actions that take place in the trust are governed by policies, hence there are lots more on the website of each school covering a range of topics. All staff should be aware of where on the website of their school they are stored.