

Code of Conduct

PURPOSE

The standards outlined in this document are representative of the standards of performance and behaviour that are expected of the college's working community and are not intended as a complete listing of all the college's rules, regulations and standards.

Only through the observance of such standards can the college effectively and efficiently serve its external and internal clients.

The relationship between the college and its employees is based upon mutual respect, trust and confidence. This code of conduct sets out some of the standards upon which this relationship is to be based.

SCOPE

This Code of Conduct applies to all employees of the college and anyone working within it on a voluntary or placement basis.

It is the responsibility of all members of the college's working community to familiarise themselves with, and adhere to, all of the college's rules, policies and procedures.

Failure to comply with the standards of performance and behaviour outlined in this document may result in disciplinary action in accordance with the college's disciplinary procedure. Such disciplinary action may include dismissal depending on the circumstances.

All employees will be made aware of the Code of Conduct and will sign to confirm their understanding and acceptance of the standards set out within it.

GENERAL

Employees are expected to behave in a way that demonstrates the college values. This includes being professional at all times, treating colleagues and customers with respect and taking responsibility for their own behaviour and actions.

ATTENDANCE & TIMEKEEPING

Employee attendance at work is expected to be punctual. Instances of lateness should be explained by the employee concerned to his/her Line Manager, who will monitor the situation and take action as appropriate in accordance with the college's capability or disciplinary procedure.

It is the responsibility of management to approve any variations (including any short-term variations) to an individual's normal hours of work. Individuals should not vary their normal hours of work without prior management approval.

The college's absence management procedure outlines the standards that are expected of all employees and the procedures that should be followed during any period of absence. It also provides details of how the college will address and manage all issues related to employee absence.

ALCOHOL & SUBSTANCE ABUSE

Employees must not attend work under the influence of any substance, including alcohol, illegal drugs and/or solvents. Employees who have been prescribed medication by a healthcare professional must inform their Line Manager immediately if that medication has, or could, have an adverse effect on the employee's ability to carry out his/her duties.

The college's drug abuse policy and procedure outlines the standards expected of all the college's working community in relation to drug and alcohol use and abuse, and provides guidance on managing issues related to such use and abuse and the action that will be taken by the college in instances of non-compliance.

BULLYING AND HARASSMENT

The college recognises that all members of its working community and its clients have the right to be treated with consideration, respect and dignity, and is committed to creating and maintaining a working environment free from discrimination, harassment, bullying, intimidation and victimisation.

To clarify, bullying and/or harassment is verbal, non-verbal or physical conduct which is unsolicited or unwelcome and which another individual considers violates their dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Instances of bullying and or harassment at work, or outside work if it has a bearing on the working relationship, is unacceptable and will not be tolerated. All instances of bullying and/or harassment will be managed through the anti-harassment, bullying and dignity at work procedure and the college's disciplinary procedure as appropriate.

Examples of bullying / harassing behaviour could include:

- spreading malicious rumours, or insulting someone
- exclusion or victimisation
- unfair treatment
- deliberately undermining a competent worker by constant criticism.

Under the Equality Act 2010, harassment is unwanted conduct which is related to one of the following: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and is therefore unlawful.

CONDUCT OUTSIDE OF WORK

The college does not seek to dictate how employees conduct themselves in their personal lives outside work. However, unlawful, anti-social or other conduct by employees which may jeopardise the college's reputation or position may be dealt with through the disciplinary procedure.

CONFIDENTIALITY

All members of the college's working community have a personal responsibility to protect and maintain the confidentiality of both college and client information. The disclosure of confidential information relating to the college and/or its internal or external clients is prohibited, except as authorised or required by the law or in accordance with an employee's duties under his/her contract of employment (including statements made between or to Trade Union Representatives) or when making a protected disclosure under the Public Interest Disclosure Act.

If employees are unsure as to whether they should disclose information which they consider to be, or might be, confidential, they should seek guidance from their Line Manager.

Full details of the covenants by which employees are bound in respect of confidentiality are outlined in their contracts of employment.

A breach of confidentiality may result in disciplinary action being taken against the employee/s responsible in accordance with the college's disciplinary procedure.

Any confidential data taken off-site must be securely stored.

Staff should familiarise themselves with the college's data protection policy and data protection act factsheet.

COMPANY VEHICLES AND DRIVING IN PURSUIT OF COLLEGE ACTIVITY

The college is committed to ensuring that employees are kept as safe as possible whilst undertaking any task on behalf of the college, including driving during the course of work or in pursuit of college business or activities.

Where company vehicles are provided to employees in specific posts at the college, this will be detailed in the employee's contract of employment.

There may also be occasions on which employees are required to either drive a company vehicle or their own vehicle in pursuit of college business or activities. Individuals should refer to the Health and Safety Manual for more detailed information.

SUITABILITY TO WORK WITH CHILDREN AND VULNERABLE ADULTS

The college works in line with the *keeping children safe in education guidance*.

DISCLOSURE AND BARRING SERVICE (DBS) CHECK

The College is committed to adhering to the DBS's Code of Practice.

Roles at the college are assessed in order to decide if a DBS disclosure or check is required and if it is, what level of disclosure is required. There will be instances when existing members of staff will also require a new DBS check, for example to comply with procedures governing learner residentials.

DBS checks are undertaken to ensure that the college upholds its duty of care to protect vulnerable groups who access the college. Failure to co-operate with a reasonable request on the part of the college to obtain a DBS check may result in disciplinary action being taken in accordance with the college's disciplinary procedure.

DISQUALIFICATION BY ASSOCIATION

In line with the *keeping children safe in education guidance* prospective and current employees of the college's nursery need to provide the relevant information about a person who lives or works in the same household as them. Please refer to appendix 1 which contains the relevant extract from the April 2014 guidance for clarity. For prospective staff this must be declared on the confidential monitoring form. For existing staff this must be declared to either the Director or Head of Human Resources.

POLICE ENQUIRIES OF CURRENT EMPLOYEES

All employees have an obligation to inform the college if he or she are the subject of criminal investigations, charge, caution, warning or conviction. Failure to do so may result in disciplinary action. However, an employee will not face disciplinary action solely because he or she are the subject of criminal investigations, charge, caution, warning or conviction. The question that the college needs to address in such cases is whether the conduct warrants disciplinary action because of its effect on the employee's ability or suitability to undertake his/her job role and/or on the reputation of the college. In such circumstances, the facts of the matter should be investigated and if disciplinary action is considered appropriate, the procedure outlined in this document should be followed. The college will not usually wait for the outcome of any prosecution before deciding what action, if any, to take.

ALLEGATIONS AGAINST STAFF (SAFEGUARDING)

Any allegations of abuse (to students) against staff must be referred to the Director: Human Resources. (In her absence, Deputy Principal: teaching and Learning. In her absence, Head of human resources.) The matter will then be referred to the local authority designated officer in line with *keeping children safe in education guidance*.

Where staff have any safeguarding concerns about another member of staff these concerns must be reported immediately to the Director: Human Resources who will refer this to the local authority designated officer as above.

If the accused person resigns or ceases to provide their services, this should not prevent an allegation being followed up in accordance with *keeping children safe in education guidance*.

PERSONAL RELATIONSHIPS

Staff - Learners

Under the Sexual Offences Act 2003, it is an offence for anyone in a position of trust to engage in sexual activity (including touching of a sexual nature) with a person under the age of 18 who is in their care. The position of trust definition applies to all teachers and other staff in an educational setting. Such a breach of trust is an arrestable offence, even if the activity and/or relationship is consensual. Anyone successfully convicted under this legislation will be subject to notification requirements and registration under the Sex Offenders Act 1997.

Employees in such a position of trust must not enter into personal relationships with any learner under the age of 18, and must not encourage behaviour on the part of the learner which goes beyond that which could ordinarily be expected from a staff/learner relationship.

Relationships with learners who are vulnerable adults are prohibited. This type of relationship could be viewed as an abuse of employee's position of trust and breach of standards of professional conduct expected in college.

These rules will be strictly enforced. Any member of staff who enters such relationships will be subject to the college's disciplinary procedure, this may constitute gross misconduct, which could lead to summary dismissal and referral to the Independent Safeguarding Authority. Furthermore, in suspected cases of an abuse of a position of trust, the college may report those concerned to the Police.

In respect of allegations against staff, the college will follow the framework set out in ***keeping children safe in education guidance***.

It is vital that staff work within appropriate professional boundaries at all times with children and young people with whom they are in a position of trust.

There are some situations that are never appropriate while working with students, such as drinking alcohol, please use the safe working practices at West Nottinghamshire College document for further clarity.

Personal relationships between employees and learners over 18 years of age must be disclosed to the college via the employee's Line Manager. This requirement equally applies to relationships that existed prior to the employment or enrolment and to relationships that develop at college. The College will put in place appropriate arrangements to ensure that the learner's learning and assessment is free from bias. The College will also advise the member of staff and learner that their relationship should be conducted entirely off campus. Although the Line Manager will treat the disclosure sensitively and in confidence, it is likely that other members of staff will need to be informed. This will be on a strictly need-to-know basis. Failure to disclose a personal relationship with a learner will be dealt with under the college's disciplinary procedure.

Staff must not make contact with learners through their personal social media accounts or mobile phone number. All staff must act in accordance with the safer working practices document.

Between Staff

If you perceive that a personal relationship you have with a colleague may give rise to a professional conflict/compromise you should bring this to the attention of your Line Manager or their Manager. This applies equally to relationships that existed prior to employment and to relationships that develop whilst at college. Such disclosures must be treated with respect, dignity and in confidence, however it may be necessary for the Line Manager to discuss with their Line Manager or Human Resources but this will be on a strictly need-to-know basis and will be discussed with the employee in the first instance. The line manager will be responsible for making appropriate alternative arrangements where necessary to avoid any conflicts of interest.

In some cases it may be necessary to consider moving an employee if it is perceived that there is a conflict of interest in order to protect both parties. Full discussions will take place with the individual.

Staff – Client/service provider

If you perceive that a personal relationship you have with a client or service provider may give rise to a professional conflict/compromise you should bring this to the attention of your line manager or their manager. Such disclosures must be treated with respect, dignity and in confidence.

If you are unsure about what action to take or how you should respond to any situation you must immediately contact your line manager or the designated safeguarding lead.

DISCLOSURE OF INTEREST

In order to uphold fairness and consistency, and to comply with college regulations (including but not limited to its financial regulations), members of the college's working community must disclose any interests and/or relationship(s) - whether direct or indirect - that they have with any person, college, company or other organisation involved with the college and/or its business and/or activities which may give rise to conflict / compromise.

STANDARDS OF DRESS

Employees are expected to dress in a way which is appropriate to their role. Some roles necessitate employees to wear items of protective clothing in the interests of health and safety. Such items should be worn at all times as required.

EQUALITY AND DIVERSITY

The College is committed to ensuring equality of opportunity for its employees and learners alike.

All employees have an individual responsibility to uphold and apply in practice the college's Equality and Diversity scheme and to conduct themselves in a manner consistent with that scheme and with relevant legislation. Discrimination and prejudice will not be tolerated by the college and such conduct may result in disciplinary action being taken in accordance with the college's disciplinary procedure.

BRIBERY ACT 2010

The college values its reputation for ethical behaviour and for financial probity and reliability. It recognises that over and above the commission of any crime, any involvement in bribery will reflect adversely on its image and reputation. Its aim, therefore, is to limit the college's exposure to bribery by:

- Setting out a clear anti-bribery policy;
- Encouraging staff to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
- Rigorously investigating instances of alleged bribery and assisting Police and other appropriate authorities in any resultant prosecution;
- Taking firm and clear action against any individual (s) involved in bribery.

The college prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement to or from any person or company, wherever they are situated and whether they are a public official or body or private person or company by any individual employee, board member, agent or other person or body acting on the college's behalf in order to gain any commercial, contractual or regulatory advantage for the college in a way which is unethical or in order to gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

Individuals should discuss with their Line Manager if at any time they are in doubt as to whether a potential act constitutes bribery. If necessary, guidance can be sought from the Deputy Principal/Director of Finance.

Related policies and procedures are anti-fraud policy and fraud response plan, financial regulations, whistleblowing policy and risk management policy and procedure.

FINANCIAL REGULATIONS

The college has established financial regulations which govern all activity associated with the college's approach to financial management and control. All employees have an individual responsibility to uphold and apply in practice these regulations and any breach of them will be addressed in accordance with the college's disciplinary procedure.

GIFTS AND HOSPITALITY

Employees must not accept any gifts, fees or inducements for any service connected with their employment (including, for the avoidance of doubt, any such gifts received from learners), with the exception of minor gifts, inexpensive marketing materials and cards. Individuals should inform their Line Manager if they are offered any substantial gifts (over the value of £25) or if they require further clarification.

HEALTH AND SAFETY

The college is committed to promoting and implementing all relevant health and safety legislation and recognises that the highest priority must be given to safe methods of work at all times.

Employees must familiarise themselves with the college's Health and Safety Policy and Health and Safety Manual and must ensure that all health and safety standards are met in accordance with that policy. Employees must not, under any circumstances, behave in a way which could endanger their own health and safety or the health and safety of others.

Any breach of the college's health and safety rules or regulations or its Health and Safety Policy will be viewed extremely seriously by the college and may constitute gross misconduct in accordance with the college's disciplinary procedure.

DAMAGE TO PROPERTY

Anyone suspected of, or caught, causing deliberate damage to college property, hired plant or third party property within the confines of college and/or client premises will be subject to disciplinary action in accordance with the college's disciplinary procedure.

STATEMENTS TO THE PRESS OR OTHER MEDIA

Statements to the press or other media on any aspects of the college's business and/or activities must not be made without prior reference to the Director: Communication, Marketing and Learner Engagement. Although this does not apply to Trade Union Representatives acting in a Trade Union capacity. The college and trade unions would inform each other on press statements affecting each other's business.

The reasons for this will no doubt be appreciated by employees, as often the Senior Management team is more aware than staff of the college's opinion on controversial matters and can therefore ensure that an appropriate statement is made.

Any statement made in contravention of this rule may lead to disciplinary action being taken against the employee/s concerned in accordance with the college's disciplinary procedure.

THEFT

Anyone who is suspected of or caught stealing the property or assets of the college, its employees or clients will be subject to disciplinary action in accordance with the college's disciplinary procedure. The Police may be notified.

USE OF INFORMATION TECHNOLOGY

All employees have an individual responsibility to uphold and apply in practice the college's e-mail and internet policy. Breaches of the e-mail and internet policy will be addressed in accordance with the college's disciplinary procedure. All employees must familiarise themselves with the college's email etiquette guidance; email and internet policy; ICT and information security policy; mobile computing policy and social media policy;

GUIDANCE NOTES

No code of conduct can hope to spell out the appropriate behaviour for every situation, nor should it seek to do so. The college relies on each member of staff to make a judgement of what is right and good practice in any particular situation.

If you are unsure determining what action is appropriate in any given situation it is recommended that you seek clarification from your Line Manager.

An individual who is not satisfied with an outcome arising from a decision reached in relation to their employment has the right to appeal using the stages outlined in the grievance procedure.

This documents refers to the *keeping children safe in education guidance*, this can be found using the following link: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>.

DISQUALIFICATION BY ASSOCIATION

The requirement to provide the relevant information about a person who lives or works in the same household as them, guards against an individual working with young children who may be under the influence of a person who lives with them and where that person may pose a risk to children i.e. 'by association'.

Schools may choose to ask staff to complete and sign a declaration which would help identify those caught by the 'by association' requirement, particularly where an individual may be reluctant to self-declare. When it is identified that an individual is disqualified or the 'by association' criteria is met, where possible, employees who work in the specified early or later years provision should be asked to provide the following information to their employer about themselves or any person who lives in the same household as them:

- details of any order, determination, conviction, or other ground for disqualification from registration under the Childcare (Disqualification) Regulations 2009;
- the date of the order, determination or conviction, or the date when the other ground for disqualification arose;
- information about the body or court which made the order, determination or conviction, and the sentence (if any) imposed; and
- a certified copy of the relevant order (in relation to an order or conviction).

Any relevant information passed to the school must be provided to Ofsted as soon as reasonably practicable, but at the latest within 14 days of the date the school became aware of the information or ought reasonably to have become aware of it if they had made reasonable enquiries.

Source: Keeping children safe in education: childcare disqualification requirements - supplementary advice