
NORTH YORKSHIRE COUNTY COUNCIL

CODE OF CONDUCT FOR SCHOOL BASED EMPLOYEES

ADOPTED BY GOVERNORS DEC 2008

1.0 INTRODUCTION

- 1.1 This Code of Conduct applies to all school based employees of North Yorkshire County Council regardless of their position in the school structure. However certain aspects will apply more readily to Headteachers and other posts with management responsibilities due to their function within the school.
- 1.2 The public is entitled to expect the highest standards of conduct from all employees who work for North Yorkshire County Council. School based employees are placed in a position of great trust and responsibility and it is essential that their conduct is seen to be above reproach.
- 1.3 This Code of Conduct is aimed at ensuring that employees are aware of the standards of behaviour expected of them by the School Governing Body and North Yorkshire County Council. If a school employee is in any doubt about the correct course of action to take in any instance, he/she should always seek the advice of his/her line manager.
- 1.4 Failure to observe the standards set out in this Code will be regarded as serious and any breach will render an employee liable to disciplinary action, which may include dismissal.

2.0 STANDARDS

- 2.1 Local Government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties to provide appropriate advice to governors and fellow employees, to do so with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 2.2 It is the duty of each employee to report to the appropriate manager any breach of procedure or concern that the Code of Conduct itself is being breached. In the case of concerns about the Headteacher of a school, the Chair of Governors should be informed.
- 2.3 School Governing Bodies and North Yorkshire County Council are not prepared to tolerate malpractice or wrongdoing in the performance of their services. Whenever and wherever such activity is reported, it will be swiftly and thoroughly investigated. The Council expects the fullest co-operation of all its employees to report any such malpractice or wrongdoing of which they are aware, or the serious suspicion of it. For this purpose, a Whistle-Blowers Policy Statement and Procedure are in place, available at each school.

3.0 DISCLOSURE OF INFORMATION

- 3.1 This County Council believes that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The County Council itself may decide to be open about other types of information. Employees must ensure that they know what that information is and seek advice and guidance from line managers where this is not clear.

- 3.2 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way, other than in circumstances which have been agreed in accordance with 3.1 of this Code and in the spirit of partnership.

4.0 POLITICAL NEUTRALITY

- 4.1 Employees, whether or not holding politically restricted posts, must follow every lawful expressed policy of the County Council and must not allow their own personal or political opinions to interfere with their work.

5.0 RELATIONSHIPS

- 5.1 It is important that all working relationships and relationships between employees and pupils are conducted in a professional manner.

- 5.2 It is an abuse of the professional relationship between an employee and pupil for the employee to:

- (a) enter into an improper association with a pupil
- (b) commit any acts against a pupil which are illegal
- (c) show undue personal favour or disfavour towards a pupil
- (d) endeavour to exert an undue influence on personal attitudes, opinions or behaviour which are in no way connected with the work of the school.

5.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager (Chair of Governors in the case of a Headteacher). Orders and contracts must be awarded on merit, and in accordance with the County Council's recognised procedures. No special favours must be shown to businesses run by, for example, friends, partners or relatives. No part of the local communities must be discriminated against. It is also recognised that certain internal services of the County Council operate on a trading basis and in these circumstances too the content of this paragraph will apply.

- 5.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship to the appropriate manager (Chair of Governors in the case of a Headteacher).

6.0 APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 6.1 Employees involved in an appointment process are required to disclose to their manager (Chair of Governors in the case of a Headteacher) any relationship known to them to exist between themselves and a candidate for an appointment, where they are aware of that application being made. An employee and an applicant are deemed to be related if they are husband and wife, or if either of them (or the spouse of either of them), is the brother or sister,

son or daughter, grandson or grand-daughter or nephew or niece of the other (or spouse of the other).

6.2 Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

6.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments where they are related to an employee, or have a close personal relationship outside work with him or her.

7.0 OUTSIDE COMMITMENTS

7.1 All employees, through their Contract of Employment, have obligations to the school and County Council and should not take outside employment or engage in activities which conflict with the school's or County Council's interests.

7.2 Employees graded above Spinal Column Point 28 on the Local Government Common Pay Spine, are required to obtain the consent of the School's Governing Body to take outside employment. Any employees graded outside the Local Government Common Pay Spine should seek to discuss with the Governing Body whether or not any outside employment is likely to conflict with the school's or County Council's interests. Consent will not be unreasonably refused.

7.3 No outside work of any sort, whether paid or unpaid, should be undertaken at the employee's place of work and the use of facilities (telephone, word processor, photocopier, etc) is forbidden unless prior permission of the school management is given and all costs are reimbursed. Agreed Trade Union use of such facilities is of course acceptable.

7.4 Employees must follow the County Council's rules on ownership of intellectual property or copyright created during the course of their employment. In this respect, all patents, trademarks and other rights in any invention, device or concept (or any novel improvement or modification to an existing invention, device or concept) created or developed by an employee during the period of their employment shall belong to the County Council, subject only to any rights which may be acquired by an employee under the Patents Act 1977, or any statutory modifications thereof.

The County Council shall be the legal and beneficial owner of the copyright in and all other rights to, the results of the development of the application of, all work produced by an employee during the course of their employment.

7.5 Employees of the County Council, during their period of employment, must not make any approaches to any internal or external organisation which has dealings with the school or County Council or for which the County Council (or any Business Unit or Section within it) provides a Service, with a view to soliciting and/or undertaking work for such internal or external organisation on a private basis either during their period of employment or thereafter. Nor should such approaches be made on behalf of another person or body.

8.0 PERSONAL INTERESTS

8.1 Employees must declare initially to the Headteacher any financial or non-financial interests that they consider could bring about conflict with the school's and/or County Council's interests, for example, being involved in an official capacity with an outside organisation. In the case of a Headteacher such a declaration must be made to the Chair of Governors.

8.2 Employees must declare to the Headteacher any financial interest which could conflict with the school's and/or County Council's interests, eg work for which a fee is received. In the case of a Headteacher, such a declaration must be made to the Chair of Governors.

8.3 Employees must declare, initially to the Headteacher, membership of any secret societies. The definition "secret society" is as follows:

"Any Lodge, Chapter, Society, Trust or regular gathering or meeting which:

- is not open to members of the public who are not members and
- includes in the granting of membership a requirement of the member to make a commitment (whether by oath or otherwise) of allegiance and
- includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy in regard to rules, membership or conduct"

In the case of a Headteacher, such a declaration must be made to the Chair of Governors. Individuals are not required to declare their religious affiliations.

8.4 Where employees have declared an interest in regard to section 8.3 the detail will be kept in a register under the authority of the Headteacher/Chair of Governors.

9.0 EQUALITY ISSUES

9.1 The County Council is an equal opportunities employer and all employees are under an obligation to ensure that its policies relating to equality issues, plus those required by law, are complied with.

9.2 All members of the local communities, service users and other employees have a right to be treated with fairness and equity.

10.0 TENDERING

10.1 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

10.2 Employees must ensure that no special favours are shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11.0 CORRUPTION

- 11.1 It is a serious criminal offence for employees corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

12.0 GIFTS AND BEQUESTS

- 12.1 The prevention of Corruption Acts 1889 and 1916 make it an offence for any employee to accept any gift or consideration as an inducement or reward for:
- (a) doing or refraining from doing anything in their employment capacity
 - (b) showing favour or disfavour to any person in their employment capacity
- 12.2 Any money, gift or consideration received from the person or organisation holding or seeking to obtain a contract with the County Council, will be deemed to have been received corruptly. Section 117 (2) of the Local Government Act 1972 makes it an offence for anyone to accept any fee or reward whatsoever other than their normal remuneration. This is in addition to any disciplinary action which may be taken.
- 12.3 The acceptance of occasional small gifts from pupils or parents (eg chocolates, plants, flowers) is acceptable, as is the acceptance of small token gifts (eg diaries, calendars, blotters) in respect of outside visits eg to a factory or commercial premises.
- 12.4 In the event of an employee receiving a gift which does not fall into either of the above categories, this should be reported to the Headteacher. The Headteacher will be responsible for contacting the donor to explain County Council policy on this issue and that it is not permissible to accept the gift and for arranging for it to be returned/collected. In the case of receipt of a gift not falling into either of the above categories by the Headteacher, he/she should report the gift to the Chair of Governors who will take the appropriate action.
- 12.5 Occasions have arisen where Local Government employees have been included in the wills of people they have come in to contact with while carrying out the duties of their posts. This can reflect the genuine wish of a person to register their thanks to someone who has helped them. On the other hand such gestures would be open to misinterpretation and therefore the County Council will not allow such bequests to be retained by employees. School Governing Bodies may take disciplinary action, up to and including dismissal, if this occurs. Any bequest made to employees must be politely refused and returned to the Executor of the Will making it clear that the County Council rules do not allow acceptance of it by employees.

13.0 HOSPITALITY

- 13.1 School based employees may on occasions receive offers of hospitality from commercial or community based organisations. In cases where there is any possible conflict of interest or improper influence and/or could potentially give rise to adverse criticism about the acceptance of hospitality then the invitation should be tactfully but firmly declined.

- 13.2 Where such concerns do not exist, invitations of hospitality should only be accepted where the hospitality involved is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant.

14.0 SPONSORSHIP

Where an outside organisation wishes to sponsor a school activity or project, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

15.0 USE OF FINANCIAL AND OTHER RESOURCES

- 15.1 Employees must ensure that they use all resources allocated to them in a responsible and lawful manner. They should strive to ensure that all resources are utilised in a cost effective way.

16.0 CONTACT WITH THE PRESS AND MEDIA

- 16.1 This section in no way restricts the rights of an individual to speak to the Press or other media in a private capacity.

Employees are not permitted to give reports or speak to the press and media, unless this is an aspect which is clearly required within their role, on matters relating to employment within the school or County Council, school or County Council business or decisions of the Governing Body or County Council. Employees with this responsibility must guard themselves against declaring a view which is contrary to a position taken by the Governing Body or County Council and which may be deemed to be critical of that decision. Trade Union Officers can obtain advice from their Association and Council Officers should they be in any doubt of the advisability of speaking to the press in particular circumstances.

- 16.2 In the event of an industrial dispute involving Trade Union organisations, a representative of that Trade Union may be called upon by the press or media to comment on the dispute. Where a decision is taken by that Trade Union organisation to respond, employees acting in a union capacity should exercise great care in presenting the facts of the case.

- 16.3 In all circumstances, employees are under a general duty of care to avoid, wherever practicable, a conflict of interest arising and should not undertake to criticise, damage or act in any way against the best interests of the school or County Council. Should this occur, then the employee may be subject to disciplinary action in accordance with the agreed procedures.

17.0 TALKS TO OUTSIDE BODIES RADIO AND TELEVISION INTERVIEWS, CONTRIBUTIONS TO PUBLICATIONS, ETC

- 17.1 Where a school employee is invited to give a talk to an outside body, or participate in a broadcast, or contribute an article to a professional journal, or the like, on a matter related to their employment or on a personal interest which would be relevant to that employment, the following guidelines apply:

- (a) If it could be in any way construed that an employee is acting on behalf of the school acceptance of such an invitation shall be at the discretion of the Chair of Governors. Advice may be sought from the LEA if deemed appropriate;

- (b) Unless an employee is officially representing the school or County Council, they should make it clear that they are speaking or contributing on a personal basis and that their views do not necessarily represent those of the school or County Council;
- (c) Employees should avoid commenting on matters which could be regarded as contentious or sensitive so far as the school or County Council is concerned, especially in cases where what is said is being reported;
- (d) Employees acting in a union capacity should make it clear they are speaking or contributing in that capacity.
- (e) Provided that an employee gives talks on relatively isolated occasions, they shall, at the discretion of the Chair of Governors, be permitted:
 - i) To retain any fee received (on the assumption that any preparatory work will have been undertaken in the employee's own time), and
 - ii) To be absent for the purpose of giving the talk, interview etc, without the necessity of taking annual leave, if the invitation entails being absent during working hours.

18.0 THE USE OF COMPUTER EQUIPMENT AND COMPUTER-BASED INFORMATION

18.1 With the ever increasing amount of information now available on computers and computer based systems and the ease that such technologies as the Internet give for ready access to global information, there is a growing need to ensure that the information the Authority needs to carry out its business, is properly managed and kept secure. The purpose of this Code of Practice is to remind everyone of their responsibilities and to give some practical advice and guidance on the best way to minimise the risk of misuse, loss or unauthorised access to information.

19.0 DATA PROTECTION ACT (1984)

19.1 The Data Protection Act (1984) places certain obligations on the owners of personal information held on computers and allows an individual the right to seek compensation through the courts for damage caused by the loss, destruction or unauthorised disclosure of his/her personal information. The holders of personal information are required, therefore, to observe certain principles embodied in the Act and these are described below.

19.2 Although the Act concerns itself specifically with personal information processed by computers, the general principles should apply to all personal information. We each have a responsibility to guard against unauthorised access or disclosure of any personal or sensitive information.

19.3 The main principles of the Act state that personal information shall:

- be collected and processed fairly and lawfully
- only be held for specified, lawful, registered purposes
- only be used for registered purposes or disclosed to registered recipients
- be adequate, relevant and not excessive to the purpose for which they are held
- be accurate and, where necessary, be kept up to date

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- be held for no longer than is necessary for the stated purposes
 - have appropriate security surrounding them.

19.4 It is a requirement under the Data Protection Act (1984) that all personal information processed by computers must be registered with the Data Protection Registrar and it is an offence to process such information without it being registered. It is also an offence to knowingly or recklessly contravene the registered details or to disclose information, either verbally or in writing, without relevant authority.

19.5 If you are uncertain whether personal information you are processing is legally registered then you should contact your Directorate IS/IT Client Officer. If you receive a request to pass on personal information and you are uncertain as to whether you should, then you should consult your supervisor or another senior member of staff.

20.0 COMPUTER SECURITY

20.1 It is illegal under the Computer Misuse Act to attempt to gain access to any computer system, or alter data, unless you have been specifically authorised to do so. You should also try to minimise the risk of someone else gaining access to information on your own system and to ensure that your information and systems are not damaged or stolen. Below are some suggestions on how this can be achieved:

20.1.1 Physical Security

- Ensure that equipment is not freely available outside normal working hours
- Keep security copies of data and programmes in a locked cupboard or drawer when not in use
- Information held on computer discs and tapes may be damaged if exposed to direct sunlight, magnetic fields or excessive heat. Try not to touch the magnetic surfaces of any computer media.

20.1.2 Passwords

In all cases passwords are unique to the operator except in circumstances where the Director/Chief Officer has determined that certain line managers should also be made aware of the passwords in question.

- Do not choose obvious passwords, such as names, dates of birth, etc
- Do not disclose your password to anyone or write it down
- Passwords should be changed at least once a month, even when your system does not enforce it
- If you suspect that your password has become known to someone else then change it immediately.

20.1.3 Security Procedures

- Ensure that security copies of data are taken regularly, clearly labelled and stored in a remote location, preferably in a separate building or fireproof safe
- Computer screens must not be left unattended when logged into a system. If confidential information is being displayed ensure that it cannot be viewed by visitors etc. Use 'screen-savers' with password protection whenever possible.

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- Do not retain computer prints for longer than is necessary and do not leave them in open view. If necessary, keep them in a locked cupboard or drawer when not in use.

20.1.4 Disposal of Computer Equipment and Media

- Never dispose of any computer equipment or media without first ensuring that all personal or confidential information has been removed or destroyed.
- When disposing of prints ensure that confidential information is securely bagged or shredded.

20.1.5 Computer Viruses

- If you need to copy information from an 'alien' disc onto your system, always ensure that it is checked for viruses beforehand. If your system does not have anti-virus software then contact the IT Services Help Desk at County Hall, ext 2411. They will arrange to have the necessary software installed and regularly updated. This will ensure that your system continues to be protected against the latest viruses.
- You must never use other 'alien' discs such as demonstration discs, discs from home etc without express permission from your supervisor or another senior officer.

20.1.6 Computer Software

- When your operating system software is installed it will contain specific security measures to prevent unauthorised access. User access to operating system software will only be allowed in exceptional circumstances and only after agreement with Internal Audit.
- All applications software must be purchased from reputable suppliers and properly licensed. If in doubt contact the IT Services Help Desk.
- Computer software must never be copied or moved from one computer to another without authority. It is illegal to copy software except for backup purposes.

21.0 E-MAIL

21.1 E-mail facilities are made available to staff to carry out the official business of the County Council. In no event should the facility be used for purposes other than County Council business.

21.2 Users should be aware that E-mail has the same status in law as any other publication. If you would not write it then do not E-mail it. Messages must not be offensive nor contain anything which might bring the Council or its staff into disrepute.

21.3 When using E-mail it is advisable to send only information of a non-confidential nature due to the potential security limitations of the facility.

21.4 If a message is important it is up to the user to ensure adequate back up records are kept.

21.5 Care must also be taken when sending a message that it goes to the correct person.

22.0 THE INTERNET

- 22.1 Access to the Internet is given to staff on the strict understanding that it is only used for the purposes of carrying out duties authorised by the Council. You must not bring the Council into disrepute by your use of the Internet. Every access to the Internet will be logged and may be checked by your manager or Internal Audit. You may be asked to justify why certain sites were visited.
- 22.2 Wherever possible access will be via the Council's corporate Internet server which will automatically provide a number of security checks, including restricting access to specific sites/newsgroups, virus checking etc. If you are connected to the Internet via another route then you must ensure that you only access those sites for which you have been given express authorisation to visit. All information downloaded from the Internet, including E-mail messages, must be virus checked to ensure that your system does not become corrupted.
- 22.3 It should always be borne in mind that the Internet is still an evolving technology with limited standards and security. Do not use it to send personal details or information of a confidential nature and do not use it to order goods or services. It is illegal to duplicate software and any copyrighted information. Always bear this in mind when using or publishing information downloaded from the Internet.

23.0 HEALTH AND SAFETY

- 23.1 A reminder is given about the guidance contained in the Display Screen Equipment Regulations and, in particular, the need of risk assessment of workstations, especially when introducing new equipment or moving existing equipment.

23.1.1 Always:

- Keep liquids away from computer equipment
- Keep small objects away from connectors and apertures
- Ensure electrical connections are properly made
- Check that cables have not become worn or damaged
- Keep the equipment clean

Never:

- Move equipment from its approved location
- Tamper with equipment, remove covers, cables etc
- Continue to operate equipment if in any doubt
- Place heavy objects on top of casings
- Expose to excessive moisture or extremes of heat or cold
- Obstruct ventilation slots
- Trail cables across aisles or under carpets
- Remove safety labels

24.0 ENFORCEMENT

- 24.1 Failure to observe the standards set out in this Code will be regarded as serious and any breach will render an employee liable to disciplinary action, which may include dismissal.

25.0 ADVICE AND GUIDANCE

- 25.1 If you require any advice or guidance on the information contained within this Code of Practice then please contact your Directorate IS/IT Client Officer or the IT Services Help Desk at County Hall, ext 2411.
- 25.2 If you require any advice or guidance on risk assessment, then please contact the Occupational Health and Safety Section of Personnel Services Business Unit.

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