



BOROUGH OF POOLE

CODE OF CONDUCT

FOR SCHOOL EMPLOYEES

January 2008

CODE OF CONDUCT

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INTRODUCTION

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist employees in their day-to-day work. It is based on national guidance as supplemented by local considerations.

Status of the Code

The code has been approved by the Council/school and sets out the minimum standards that the Council/school expects from its employees. The aim of the Code is to lay down guidelines for employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. A breach of these standards could be relevant to disciplinary considerations.

Who the Code is Aimed At

This particular Code applies to all school employees.

Inevitably some of the issues covered by the Code will affect Headteachers and other senior employees more than it will others. Activities carried out by school employees are subject to the minimum standards within this Code. **Headteachers and Governors are encouraged to draw the attention of their employees to sections of the Code which have particular implications for their work.**

The code applies equally to Headteachers who should raise with the Chair of Governors any matter where there is an obligation on other employees to make a disclosure to the Headteacher.

A summary of the code is given on the next page.

General Teaching Council for England

Qualified teachers are also subject to the GTC Code of Conduct and Practice for Registered Teachers. Details can be found on the GTC website www.gtce.org.uk.

SUMMARY OF THE CODE

Employees are encouraged to read those parts of the Code which relate to their work.
IN SHORT :-

DO

Uphold high standards of conduct

Report all irregularities

Always be honest and open

Follow lawful policy and instructions

Remain politically neutral in your work

Show respect for all those you deal with

Declare any personal interests financial or otherwise which may be seen as a conflict with your work including relationships and membership of certain organisations

Be aware of advice relating to relations with children and young people

DON'T

Disclose information without permission

Become involved in decisions affecting your relatives, acquaintances or people you are close to

Accept gifts or hospitality or offer these without first seeking permission

Undertake any private work in school time

Undertake any private work in your own time if it relates to the Council or school without first seeking permission

Use the Internet or e mail system inappropriately

Use the Internet or e mail system for personal use without permission

Bring discredit on the Council or school, or it's services or it's reputation

NOW READ THE RELEVANT PARTS OF THE CODE TO GET FURTHER GUIDANCE OR CONSULT YOUR HEADTEACHER OR GOVERNORS

1.0 STANDARDS

- 1.1** All school employees are expected to give the highest possible standard of service, and where it is part of their duties, to provide appropriate advice to Governors and fellow employees with impartiality. School employees must work in accordance with school disciplinary rules and expectations.

The National Joint Council for Local Government Services national agreement (para 2, para 2.1) says:-

“Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.”

Similar provisions are incorporated in the national conditions of service of chief officers.

- 1.2** Qualified teachers are also subject to the GTC Code of Conduct and Practice for Registered Teachers. Details can be found on the GTC website www.gtce.org.uk.

- 1.3** All employees shall immediately inform their Headteacher or Governors of :-

- (a) any circumstances which suggest the probability of irregularity affecting cash, stores or other property of the Council/school; and
- (b) any other circumstances which may arise which may have an adverse effect on public confidence in the integrity of employees and the service.

2.0 REGISTER OF GIFTS, HOSPITALITY, PERSONAL INTERESTS AND ANY FEES RECEIVED

- 2.1** It is a requirement that every Governing Body maintain in their school a Register in which they and their employees record the following:-

- a) Hospitality and gifts, whether received or given (para 13);
- b) Personal interests including interests in Council Contracts and membership of certain organisations (paras 5 and 8);
- c) Fees received for any talk, interview or similar service (para 7.1 (f)).

- 2.2** Headteachers should ensure that where entries are made in respect of themselves, they should advise their Governors immediately or as soon as is practicable in the circumstances.

- 2.3** These registers are public documents and form part of the supporting information to the statutory accounts. As such, the registers are available for inspection by any interested parties.

- 2.4** Copies of the standard pages for the Registers can be obtained from Audit and Review, Financial Services.

3.0 DISCLOSURE OF INFORMATION

- 3.1** It is generally accepted that open government is best. The law requires that certain types of information must be available to the service users and the public. The authority itself may decide to be open about other types of information. In some cases the disclosure of information is precluded by law. School employees should consult their Headteachers about which information their authority and Governing Body is and is not open about and act accordingly.
- 3.2** School employees should 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. Any particular information received by an employee from a third party which is personal to that third party and does not relate to the authority should not be divulged by the employee without the prior approval of that third party except where such disclosure is required or sanctioned by the law. All employees handling personal data should familiarise themselves with the Data Protection Legislation and their school's guidelines.

4.0 POLITICAL NEUTRALITY

- 4.1** School employees serve the authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 4.2** Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 4.3** No employee of the Council or schools shall attend or give direct advice to a political group of the Council without the express consent of the Chief Executive or in his absence a Policy Director.
- 4.4** No employee of the Council or schools is permitted to stand for election as a Councillor for Poole Council.
- 4.5** Other than employees holding "Politically Restricted Posts", employees may however stand for election to other councils.
- 4.6** Teaching posts are not subject to political restriction. In community schools political restriction may apply to a small number of support staff paid at SCP 44 or above. For details of the Local Government (Political Restrictions) Regulations, see Appendix 1. Please contact Personnel & Training Service if you require further guidance.
- 4.7** Political restrictions do not apply to Foundation or Voluntary aided schools.
- 4.8** Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

5.0 RELATIONSHIPS

5.1 Children and Young People

In the 'Guidance for Safer Working Practice for Adults who Work with Children and Young People' released by Allegations Management Advisers (AMA) in conjunction with the Department for Children, Schools and Families (DCSF, previously DfES) in November 2007* the underlying principles are:

- The welfare of the child/young person is paramount.
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.
- Adults who work with children or young people are responsible for their own actions and behaviour and should avoid any conduct, which would lead any reasonable person to question their motivation and intentions.
- Adults should work and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- Adults should continually monitor and review their practice and ensure they follow the guidance contained in this document.

Furthermore the detail given by the Borough of Poole in relation to this is as follows:

- a) No school employee should engage in an inappropriate personal relationship with a pupil, nor should they abuse their position by obtaining the address or telephone number to make contact.
- b) It is a criminal offence for an employee to have a sexual relationship with a young person, including 16 to 18 year olds, to whom they have a duty of care, in accordance with the Sexual Offences Amendment Act 2000. Please refer to the DFCS document 'Working Together to Safeguard Children' for further information which can be found on the DFCS website at <http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/> or on the Teachernet site at <http://www.publications.teachernet.gov.uk>

Allegations may be referred to the Local Safeguarding Children Board (formerly Area Child Protection Committees; ACPC).

** Guidance based upon an original IRSC document - 'Guidance for Safe Working Practice for the Protection of Children and Adults in Education Settings, commissioned by DfES/DCSF. The full document may be found on the Loop at 'Employee Handbook (Schools), Conduct and Standards.'*

- c) School employees need to take care that their actions are not open to misinterpretations and that good practices are followed. For further guidance, please refer to National Employers Organisation for School Teachers 'Guidance on Conduct for Teachers, Education Staff and Volunteers'. This can be found on the NEOST website at <http://www.lge.gov.uk/lge/aio/51028>
- d) Headteachers should keep a confidential written record of all discussions and advice given to employees regarding the above. This may be used later to respond to any complaints or for disciplinary purposes.
- e) Any employee failing to comply with the above (paras a – c) can be subject to the School's Disciplinary Procedure and may also be subject to action from their respective professional bodies. The Borough of Poole or the Governing Body may inform the employee's professional body and will inform the employee if they do so.
- f) Should the School's Disciplinary Procedure be invoked, it may be necessary to undertake appropriate investigations with the pupil. In any situation, which is resulting in an investigation and/or disciplinary procedure, consideration should be given to providing appropriate support and advice to all parties involved.
- g) If an employee has concerns about a child's welfare or if a child discloses that he/she is suffering abuse or gives grounds for concern the employee should take no action themselves but contact the designated child protection contact in the school and the Headteacher immediately to pass on the information. For further guidance, please refer to the document 'What to do if you Think a Child is Being Abused' at <http://www.everychildmatters.gov.uk/resources-and-practice/IG00182/>
- h) Any allegation, including those that appear frivolous or vexatious, regardless of whoever made them should be taken seriously and investigated as appropriate. An employee should be advised as soon as practicable of any allegations made against them. Any employee who makes a frivolous or vexatious allegation may find themselves subject to an investigation and they may face disciplinary action.
- i) Support and advice is available for employees who are subject to allegations of abuse. Further information can be obtained from the Headteacher or the Personnel and Training Unit. Further guidance is also available on www.teachernet.gov.uk/childprotection/guidance.
- j) Employees are not allowed to accept bequests from pupils or recipients of school services regardless of when the involvement with that person ended (see para 13.12).

5.2 Councillors

Employees are responsible to the authority through its Governing Body. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the authority's work. Mutual respect

between employees and Councillors is essential to good local government.

The Council has adopted a detailed Protocol governing the relationship between Members and Officers which should be complied with at all times. A copy can be obtained from Democratic Services.

5.3 The Local Community

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Governing Body and Council.

5.4 Contractors

Employees should be aware of the rules about relationships with external contractors or potential contractors whether of a business or private nature. For details see Appendix 2.

6.0 APPOINTMENT AND OTHER EMPLOYMENT MATTERS

6.1 Employees involved in appointments should 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 external applicant, or have a personal relationship outside work with him or her. If it is necessary for an employee to be involved in such an interview, the Head of Personnel and Training Services for the Borough of Poole must be represented.

6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or with whom they have a close personal relationship outside work other than in consultation with the Head of Personnel and Training Services.

6.3 Every candidate for any appointment is required when making an application to disclose on the application form whether to his/her knowledge he/she is related to any Member of the authority or to an employee of the authority.

Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered after appointment he/she shall be liable to dismissal.

7.0 OUTSIDE COMMITMENTS

7.1 It is essential at all times to avoid the risk of damaging public confidence in the school, the Council or Local Government. With this in mind the attention of all employees is drawn to the following rules:-

- a) No employee shall undertake any private work during Council time (whether voluntary or paid) unless he/she has first obtained the consent of his/her Headteacher or Governors.
- b) No employee shall undertake any private work or give private advice outside school time (whether voluntary or paid) if it any way relates to the work of the Council or the school, unless he/she has first obtained the consent of his/her Headteacher. The Headteacher has a responsibility to ensure that private work does not conflict with the best interests of the School, the Authority and the public and retains the right to control or limit such activities.
- c) Employees of the Council/school are not permitted to operate, own or otherwise participate in the running of a private residential or equivalent care establishment.
- d) Employees on grade APT4 (or equivalent salary) and above shall devote their whole time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Governing Body.
- e) Employees who have a second job with another employer are required to supply sufficient information to their manager to enable the manager to ensure that the requirements of the Working Time Regulations are complied with.
- f) Where an employee is offered a fee for giving a talk or interview or similar service during working hours, the fee should be payable to the school. Where the employee takes leave or gives the service outside working hours, he/she may accept any fee offered provided all preparation is carried out in the employee's own time and the matter is reported to his/her Headteacher, who will record the fee in the Register maintained by the Governing Body.
- g) If any item of Council or school owned equipment is used in connection with (f) above or for any other private purpose, proper insurance and safeguards must be agreed with the Controlling Officer. No Council or school materials or supplies shall be used without the consent of the Headteacher who may require the employee to meet any cost. It should be noted that the school's insurances do not cover an employee undertaking private work.

7.2 Employees should note that the copyright in original work prepared during the course of employment whether in Council/school time or not (paid or voluntary) is vested with the employer and not the individual employee. The same applies to intellectual property (e.g. software).

7.3 The above provisions also apply to Headteachers who should raise these matters with the Chair of Governors.

8.0 PERSONAL INTERESTS

- 8.1** Employees must declare to their Headteacher should they become related to any other employee, Governor or Elected Member of the Council after taking up employment with the Council. This means all relations in law, in-laws and partners.
- 8.2** Employees must also declare to their Headteacher if they are or should become involved in a close personal relationship outside work with another employee or Elected Member of the Council where this might be perceived as a conflict of interests. "Conflicts" might, for example, be perceived where;
- a) one employee's duties might involve making or influencing decisions affecting the other employee or
 - b) one employee has duties which result in the other employee receiving a payment or benefit.
- 8.3** There is no reason why two employees who are related or who enjoy a close personal relationship cannot work together in the same School. Guidance may however be helpful where the one employee directly manages the other employee. This would be in support of the Managing Diversity Policy to ensure that there was no perception of inequitable treatment. Guidance covering these sort of situations is given in Appendix 4 and this should be followed. See also paragraph 6.0 (Appointment and other employment matters). Further advice can be sought from Personnel and Training Services if required.
- 8.4** If in the course of their duties an employee finds themselves handling, or making decisions on, any matter which concerns a relative of theirs or a friend or someone they are acquainted with, they must refer the matter to their Headteacher immediately who may determine that it should be handled by someone else.
- 8.5** Employees must declare to their Headteacher any non-financial interests that they or a relative/partner hold which could be considered to bring about a conflict with school or Council interests.
- 8.6** Employees must declare to their Headteacher any financial interests they or a relative/partner hold which could conflict with school or authority interests.
- 8.7** Employees should declare to their Headteacher membership of any organisation which is not open to the public (without formal membership and commitment of allegiance) and which has secrecy about rules or membership or conduct. An example of such an organisation would be a Masonic Lodge and similar organisations.

N.B. The above declarations should be recorded in a register kept by the Governors. For Headteachers, the declarations should also be made in the schools register and reported immediately to the Chair of Governors.

- 8.8** School employees must advise their Headteacher in the event of them being charged with a criminal offence which (if proven) would be incompatible or inconsistent with their duties.

9.0 EQUALITY ISSUES

- 9.1** All employees should ensure that the Council's Managing Diversity Policy, which relates to equal opportunities, is complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity. For details of the Managing Diversity Policy see the Employee Handbook on the Loop.

10.0 SEPARATION OF RULES DURING TENDERING

- 10.1** Employees must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.

- 10.2** 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.

- 10.3** Employees should ensure that no favour is 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.

- 10.4** The Standing Orders applying to schools set out in the LMS Scheme must apply. Where no reference is made, Borough of Poole Standing Orders apply.

11.0 CORRUPTION including whistle-blowing

- 11.1** Employees must be aware that it is a serious criminal offence for them corruptly to receive or offer 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. If therefore an employee does receive or offer or give any gift, fee, reward etc and then subsequently an allegation is made that its receipt has corrupted the employee, it is for the employee to demonstrate that any such rewards have not led to corrupt behaviour on his/her behalf.

- 11.2** The Council and the Governors are committed to the highest possible standards and encourages employees and others with serious concerns about any aspect of the Council's or school's work to come forward and voice those concerns. This process is commonly referred to as "whistle blowing" and a copy of the Whistle Blowing Policy can be found in the Employee Handbook on the Loop.

12.0 USE OF FINANCIAL RESOURCES

- 12.1** Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.
- 12.2** The provisions of the Standing Orders for schools set out in the LMS Scheme apply.
- 12.3** The Head of Financial Services for the Borough of Poole is the Section 151 Officer responsible for financial monitoring. Concerns relating to inappropriate use of financial resources should be referred to the Head of Financial Services or the Audit and Performance Review Section.

13.0 HOSPITALITY AND GIFTS

Hospitality

- 13.1** Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the school or Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are capable of public justification or where the authority should be seen to be represented. The same principles apply if hospitality is offered to a relative/partner. Acceptance of hospitality should be properly authorised by the Headteacher and recorded in a Register maintained by the Governors.
- 13.2** Employees are advised not to accept anything that may be construed as an incentive or reward.
- The rules do not apply if you are given light refreshments where you visit sites, offices or homes whilst working, for example over a lunch period which can be accepted and would not require recording in the register.
- 13.3** When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the school and the rejection must be recorded.
- 13.4** Offers of hospitality and/or payment of expenses by a person seeking to do business with the Council are only acceptable if they are part of normal business practice and have been cleared in advance with the Headteacher and recorded in the Register. Additionally, the hospitality must be declared to the Headteacher when any tender or order is invited or placed with the Company concerned.
- 13.5** When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the school may be taking affecting those providing the hospitality.
- 13.6** Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Headteacher gives consent in advance and where the authority/school is satisfied that any purchasing

decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the authority meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

- 13.7** When the Council/school itself is paying for any expenses or hospitality to any person the following rules apply :-
- a) Headteachers have delegated authority to incur expenditure on hospitality where they considered this to be in the interests of the service, capable of public justification, not used to benefit employees and appropriate to the benefit the Council/school achieves.
 - b) Each School should maintain a register of hospitality given, including all beneficiaries, cost and purpose. This register is a public document and forms part of the supporting information to the statutory accounts. As such, the register is available for inspection by any interested parties.
 - c) Any expenditure incurred has to be met from the service budget to which the benefit is expected to accrue.

Gifts

- 13.8** Small gifts from pupils are a common arrangement in schools. Advice on the acceptance or rejection of gifts should be sought from the Headteacher.
- 13.9** As a general guide, no employee should accept a gift from anyone which could, or might appear to, place him/her under an obligation or could be construed as an incentive or reward. Goods should only therefore be accepted in exceptional circumstances. The same principle applies if gifts are offered to a relative/partner. Where a gift is accepted it shall be recorded. These rules do not generally apply to leaving presents to an employee.
- 13.10** **Provided the test in paragraph 13.8 is satisfied**, where gifts are made involving anonymity or where a gift is to a group of employees rather than an individual employee or is to an individual employee from a group of people, these are factors that may make acceptance of that exceptional gift more likely to be acceptable. The acceptance of the gift from a group of people can be considered if it is valued at no more than £50. More than one of these gifts to the same individual should be declined or given to the Mayor's Charity. Prior authorisation from the Headteacher will be required.
- 13.11** **Provided the test in paragraph 13.8 is satisfied**, where in those exceptional circumstances a gift is accepted and is valued over £10, it must be recorded in the School's Register of Gifts and Hospitality. Gifts

below this value need not be recorded. Where such an (exceptional) gift is from one individual to another and is over the value of £20 this must be declined or given to the Mayors Charity. Gift vouchers will be considered a gift but money must not be accepted under any circumstances. The same principles applies if gifts are offered to a relative/partner.

13.12 When gifts have to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority and the rejection must be recorded in the Register.

14.0 SPONSORSHIP

14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a school activity, whether by invitation, tender, negotiation or voluntarily, this must not place, or appear to place, the Council or school or any of its employees under an obligation, or be capable of being construed as an incentive or reward. Particular care must be taken when dealing with contractors or potential contractors.

14.2 Where a school wishes to sponsor an event or service and an employee, partner, spouse or relative is to receive a benefit over and above that as a general resident of Poole, then there shall be a full disclosure to the Headteacher or Chair of Governors. Similarly, where a school through sponsorship, grant aid, financial or other means gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved and where an employee, partner, spouse or relative is to benefit over and above that as a general resident of Poole, there shall be a full disclosure to the Headteacher or Chair of Governors.

15.0 INFORMATION TECHNOLOGY POLICY - INTRODUCTION

The Employee's Responsibility

By using the Borough of Poole or the school information technology resources, each user accepts the responsibility for his/her behaviour and all activities which take place on his/her Login ID and agrees as follows:

15.1 To access only files and data that he/she owns, that are publicly available, or to which he/she has been given authorised access.

15.2 To use only legal versions of copyrighted software in compliance with vendor license requirements and obtained through Standing Orders, and not to make or use illegal copies of copyrighted software, store such copies on the Borough of Poole or the schools systems, or transmit over the Borough of Poole or school networks. Software should only be installed by authorised IT Services staff.

15.3 To refrain from overloading networks with excessive data, wasting disk space, and from engaging in any activity that may be harmful to systems or information stored thereon, such as creating and propagating viruses and/or damaging files and playing "Games".

- 15.4** Not to decode passwords or access protected information using computer programs or other means.
- 15.5** Not to disclose his/her password (except to a system support or network administrator) or use another person's password except where joint use has been approved by IT Services.
- 15.6** Not to use Borough of Poole or school systems for personal gain, for example by selling access to his/her Login ID or password or by performing outside work for profit using Borough of Poole systems or equipment.
- 15.7** Incidental and occasional personal use of the Council's IT systems including computers, e-mail and voicemail is permitted, subject to the restrictions contained in this policy and with the approval of the employee's Headteacher. Any personal use of the Internet or e-mail is expected to be in the employee's own time and is not to interfere with the person's job responsibilities. You should not engage in any activity that is illegal, distasteful or likely to have negative repercussions for the Borough of Poole or the school.
- 15.8** Users are responsible for the security of individual PCs/laptops, and the information stored within, that are accessible without password permission.
- 15.9** Users should setup screen saver passwords and "lock-out" or "log-off" inactive terminals whenever not in use.
- 15.10** Users are responsible for performing regular backups of data files stored on individual computers/laptops.
- 15.11** To abide by all rules, regulations, policies and procedures adopted by the school relating to information security.
- 15.12** Not to modify any of the system or network or set up parameters on their personal computer.
- 15.13** Not to abuse the Council or school mail systems or the Internet and to abide by all rules and policies governing their use.
- 15.14** Not to disclose information to unauthorised parties in contravention of data protection legislation.
- 15.15** Anti virus software is usually installed in all Council or school pc's but before installing any new floppy discs or CD roms in your computer please ensure your virus checker is up to date. If in doubt contact the IT Help Desk.
- 15.16** At any time and without prior notice, the School and the Council maintains the right and ability to examine any systems and inspect and review any and all data recorded in those systems. Although the Council or the schools do not pro-actively monitor systems any information stored

on a computer, whether the information is contained on a hard drive, computer disk or in any other manner may be subject to scrutiny. This examination helps to ensure compliance with internal policies, supports the performance of internal investigations and assists the management of information systems. All examinations of data will be done lawfully paying full regard to the Data Protection Act 1998, Human Rights Act 1998 and Regulation of Investigatory Powers Act 2000.

15.17 **All users must be conversant with the Council's Internet and E-mail Policy - See Appendix 3 - and by having access are deemed to have read it and agree to comply with it.**

15.18 **Further Reading**

- ☐ Information Technology Security Policy
- ☐ The 10 no's of E-mail and Effective Use of E-mail
- ☐ Use of Computers Policy
- ☐ Anti Virus Guidelines
- ☐ Software Piracy Guidelines

All documents referenced are available from The Loop, either by clicking the link or entering the following webpage address into the browser.

[Http://intranet/poole/policiesstandin/informationtech/toc.htm](http://intranet/poole/policiesstandin/informationtech/toc.htm)

Further information regarding IT Security can be obtained by e-mailing the Borough of Poole's IT Security Officer.

POLITICALLY RESTRICTED POSTS

1.0 The Local Government and Housing Act 1989, Pt1, contains provision to stop 'twin -tracking' (where a senior local authority employee is also an elected member of another local authority) and to restrict the political activity of senior employees.

Local authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council (s1(1)), from being an MP or MEP and are subject to prescribed restrictions on their political activity (s1(5),(6)), including canvassing and speaking or writing in public about party-political matters. For further guidance please ask the Head of Personnel and Training Services or the Head of Legal Services.

2.0 The Local Government Officers (Political Restriction) Regulations 1990 and the Local Government (Politically Restricted Posts) (No2) Regulations 1990 covers the posts which are politically restricted. These are : -

- a) specified posts, i.e. Chief Executive, Policy Directors and Heads of Service Units;
- b) all posts which reach or exceed a salary of spinal column point 44. These posts are automatically included on a list which employing authorities are under a duty to prepare unless exemption for individuals are granted;
- c) all posts which meet the duties-related criteria for determining a 'sensitive' post, irrespective of remuneration level, unless the postholder appeals successfully against determination. These posts are defines as those which (i) give advice on a regular basis to the employing authority, to any Council or Cabinet committee or another body on which the authority is represented (but excluding purely factual information) or (ii) speak on behalf of the authority on a regular basis to journalists and broadcasters.

3.0 The political restrictions are incorporated in the contract of employment of every employee who holds a politically restricted post.

RELATIONSHIPS - CONTRACTORS

- 1.0** All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the employee's Headteacher before the contractor is engaged. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 2.0** 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, should declare that relationship to their Headteacher immediately.
- 3.0** By statute and the Council's Standing Orders details of any interest an employee may have in a Council contract must be included in a register. Each Chair of Governors maintains a register. The onus is on the employee to declare an interest and failure to do so is a breach of the law.
- 4.0** The majority of the allegations of fraud in Local Government involve close working and personal relationships employees have had with contractors who provide goods / works / services to the local authority. In circumstances where an employee intends to engage a Council contractor or supplier to undertake private work, the employee must :-
- a) before the works/service are carried out give the Headteacher details (in writing) of the works and the contractor it is proposed to employ;
 - b) obtain a quotation for the works/service and ensure that paid invoices and all documents relating to the works, etc. are retained;
 - c) where it is not appropriate to obtain a quotation provide clear evidence that "market rates" were paid for the works/service;
 - d) on completion of the works/service ensure that the Headteacher is advised (in writing) of the cost of the works/service.
- 5.0** A situation can occur where a member of staff has employed a contractor to carry out private works and the contractor (subsequently) applies to be included on the Council's select tender list. Where the approval of the inclusion of the contractor on the list is recommended by the employee concerned to the Council or to their Headteacher, this personal interest should be declared at the Council meeting which considers the report on the select list.

6.0 Declaration of an interest must also be made where the employee is recommending to members that a contractor on the select list, and previously employed by him/her, should be invited to tender for a contract. Similarly, if a contractor submits a tender under the "Open Tender" procedure, and the employee is responsible for the contract, an interest should be declared at the earliest meeting of the Council concerned.

N.B. Where the "employee" is a Headteacher, all reporting should be to the Chair of Governors immediately.

Borough of Poole

E-mail and Internet Policy

The purpose of this policy is to ensure that employees of the Borough of Poole and schools understand the way in which Electronic mail (e-mail) and the Internet should be used in the organisation. It aims to ensure that email and the Internet are used efficiently and for their intended purpose, without infringing legal requirements or creating unnecessary business risk.

Date: 4th March 2003

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Please read this policy carefully as you will, in the future, be deemed to be aware of its contents in the event that there is any breach of the Borough of Poole/school policy.

Purpose

The purpose of this policy is to ensure that employees of the Borough of Poole/schools understand the way in which Electronic mail (e-mail) and the Internet should be used in the organisation. It aims to ensure that email and the Internet are used efficiently and for their intended purpose, without infringing legal requirements or creating unnecessary business risk.

Scope

All employees of the Borough of Poole, including schools, contractors and temporary staff, are subject to this policy. Failure to comply with the policy may lead to disciplinary action, including dismissal. At the same time, your conduct and/or action(s) may be unlawful or illegal and you may be personally liable.

General

All Borough of Poole/school resources, including computers, email and voicemail are provided primarily for the business purposes of the schools and for carrying out activities consistent with your responsibilities as an employee.

Incidental and occasional personal use of these systems is permitted, subject to the restrictions contained in this policy and with the approval of the employee's Headteacher. Any personal use of the Internet or e-mail is expected to be on the employee's own time and is not to interfere with the person's job responsibilities.

You should not engage in any activity that is illegal, distasteful or likely to have negative repercussions for the Borough of Poole or the school. **Except to the extent required for the proper performance of your duties**, you must not upload, download, use, retain, distribute, disseminate or alter any images, text, materials or software which:

- are or might be considered to be indecent or obscene;
- are or might be offensive or abusive, such that its content is or can be considered to be: a personal attack, rude or personally critical, sexist, racist, or generally distasteful;
- encourage or promote activities which make unproductive use of your time;
- encourage or promote activities which would, if conducted, be illegal or unlawful;
- involve activities outside the scope of your responsibilities as a school employee – for example, unauthorised selling/advertising of goods and services;
- might affect or have the potential to affect the performance of, damage or overload the schools system, network and/or external communications in any way;
- might be defamatory or incur liability on the part of the Borough of Poole/school or adversely impact on the image of the Council/school

Use of e-mail

Care should be taken when using e-mail because e-mail messages are perceived to be less formal than paper-based communication and there is a tendency to be lax about their content. Bear in mind that all expressions of fact, intention and opinion via e-mail can be held against you and/or the Borough of Poole/school in the same way as verbal and written expressions or statements.

Do not include anything in an e-mail that you cannot or are not prepared to account for. Do not make any statements on your own behalf or on behalf of the Borough of Poole/school, which do or may defame, libel or damage the reputation of any person.

E-mail messages that have been deleted from the system can be traced and retrieved. Therefore, all persons having a part in creating or forwarding any offending e-mail can be identified. E-mails, both in hard copy and electronic form, are admissible in a court of law.

Proper use of email distribution i.e. "Poole" must not be used for sending emails that are not relevant to the business.

There is in place a restriction on the maximum message size of incoming e-mails of 5Mb.

E-mail borne viruses are covered, in detail, in the Anti-Virus Guidelines document, available from the Loop.

Any personal use of the e-mail system is expected to be on the employee's own time and is not to interfere with the person's job responsibilities, it should also fully comply with the rules and regulations set out in this policy. Personal e-mails should be clearly marked as such in the 'Subject' line.

Where e-mail accounts are required to be accessed in the absence of employees, written authorisation will be required from that employees Headteacher.

Further advice on the use of e-mails can be found in the following documentation:

The 10 no's of e-mail
17 steps to effective use of e-mail

Both are available from The Loop.

Internet Email

Except to the extent required for the proper performance of your duties, access to all email Internet sites (e.g. hotmail, yahoo mail etc) is restricted due to the potential threat of viruses being spread and infecting the network.

Use of the Internet

Bear in mind at all times that when visiting an Internet site your identity (which is linked to the Borough of Poole/school) may be logged. Therefore, any activity engaged in, undertaking given or transaction made might impact on the Council/school.

- Always ensure that the Borough of Poole/school is neither embarrassed nor liable in any way by your use of the Internet. If you are in doubt, avoid such action.
- Do not knowingly download any software, binary or bitmap files. In any event, before downloading any such files you must obtain the prior permission of IT Services. This also includes laptops.
- Do not make any statements on your own behalf or on behalf of the Borough of Poole/school that do or may defame, libel or damage the reputation of any person.
- The following activities are expressly prohibited:
 - the introduction of packet-sniffing or password detecting software;
 - seeking to gain access to restricted areas of the network;
 - the introduction of any form of computer virus;
 - other hacking activities;
- knowingly seeking to access data which you know or ought to know to be confidential.

Except to the extent required for the proper performance of your duties:

- Do not access or download any material that is pornographic, offensive or illegal.

In addition to breaching the terms of your employment contract the following activities are criminal offences under the Computer Misuse Act 1998:

- unauthorised access to computer material (i.e. hacking);
- unauthorised access with intent to commit or facilitate the commission of further offences;
- unauthorised modification of computer material.

Filtering

The Borough/school has in place a system that prevents access to certain types of Internet sites. This system works automatically and categorizes web sites according to their content.

IT Services have implemented a complimentary system that warns users when they are trying to access a web site that this software has restricted. Users will then be given the opportunity to request the release of this site (if they suspect that the site has been incorrectly categorized or if they need to access the site to perform duties in line with their job role).

Upon review of the request by the IT Security Officer the request will be actioned accordingly and user informed.

Confidentiality

All information relating to our customers and the business operation of the Council/school is confidential. You are expected to treat electronic information with the same care as you would paper-based information that is confidential. Keep all such information secure, use it only for the purpose(s) intended and do not disclose

the same to any unauthorised third party (which may sometimes include other employees of the Council/school).

- Keep your passwords safe. Do not disclose them to anyone.
- If a document is highly confidential or sensitive in nature, you should password protect it.
- Copies of confidential information should only be printed out as necessary (and retrieved from the printer immediately) and stored or destroyed in an appropriate manner.

Monitoring

All Borough of Poole/school resources, including computers, email and voicemail are provided solely for the business purposes of the Council/school and are appropriately monitored.

At any time and without prior notice, the Borough of Poole/school maintains the right and ability to examine any systems and inspect and review any and all data recorded in those systems. Although the Council/school does not pro-actively monitor systems any information stored on a computer, whether the information is contained on a hard drive, computer disk or in any other manner may be subject to scrutiny. This examination helps to ensure compliance with internal policies, supports the performance of internal investigations and assists the management of information systems. All examinations of data will be done lawfully paying full regard to the Data Protection Act 1998, Human Rights Act 1998 and Regulation of Investigatory Powers Act 2000.

If you are unclear about any of the issues discussed in this Internet and E-mail policy, please contact the IT Services Security Officer.

BOROUGH OF POOLE

EMPLOYEES WORKING WITH OTHER EMPLOYEES WHO ARE RELATED TO THEM OR HAVE A CLOSE PERSONAL RELATIONSHIP - GUIDELINES

1. GENERAL

School employees must declare to their Headteacher (and Headteachers must declare to the Chair of Governors) if they are, or should they become, related to or have a close personal relationship with any other employee or Elected Member of the Council or a Governor.

There is no reason why two employees who are related or who enjoy a close personal relationship cannot work together in the same School. In fact in certain circumstances refusal to employ or to promote a person in these circumstances could constitute an act of discrimination and so would be contrary to the school's "Managing Diversity" Policy.

Guidance may however be helpful where the one employee directly manages the other employee. This would be in support of the Managing Diversity Policy to ensure that there was no perception of inequitable treatment. The purpose of this note is to give guidance covering these sort of situations and employees are expected to follow it. Further advice can be sought from Personnel and Training Services if required.

2. PURPOSE

This note is intended to assist in situations where an employee is being managed by their partner / relative / close friend (referred to as "relative"), without compromising either of their rights as employees of the Council/school. The aim is to demonstrate impartiality and equality of treatment so that there is no perception by others in the Service Unit / School as a whole or the Council in general of preferential treatment or a detriment to anyone as a result of their relationship.

The Headteacher needs to feel confident that both employees are sensitive to the issues and recognise that some differences in management arrangements are necessary to protect them both.

The preparation of this guidance note is intended to assist the various parties to avoid any potential difficulties arising.

3. CODE OF CONDUCT

The Council's Code of Conduct (paragraphs 8.1/8.2) advises that:-

"Employees must declare to their Headteacher if they are, or should they become, related to any other employee or Elected Member of the Council. This means that all relations recognised in law, in-laws and partners.

Employees must also declare to their Headteacher if they are or should they become involved in a close personal relationship outside work with another employee or Elected Member of the Council where this might be perceived as a conflict of interests. "Conflicts" might, for example, be perceived where;

- a) one employee's duties might involve taking or influencing decisions affecting the other employee or
- b) one employee has duties which result in the other employee receiving a payment or benefit."

And paragraph 6.2 of the Code that

"employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or with whom they have a close personal relationship outside work, other than in consultation with the Head of Personnel and Training Services."

4. MANAGEMENT ARRANGEMENTS

Most arrangements for line management of the "relative" should be his/her line manager's responsibility but the following areas should be handled differently:-

- 4.1** Promotion. Any decisions should be dealt with by the Headteacher.
- 4.2** Discipline. Any actions including investigation should be dealt with by the Headteacher.
- 4.3** Changes to salary and / or variations to contract of employment terms. The line manager may make recommendations on this based on School considerations but these should be made as recommendations to the Headteacher for his / her approval. The Line Manager cannot authorise such changes.
- 4.4** Training opportunities. The Line Manager may make recommendations on this based on service needs as identified in the School's training plan but these should be made as recommendations to the Headteacher for his / her approval. The Line Manager cannot authorise attendance on courses etc for his / her "relative".
- 4.5** Employee Development Interview or similar. The Line Manager needs to be involved in his / her "relative's" EDI as he / she is best placed to assess their role and workload, however a third party should be present to participate in the interview. Summary notes and action plan to the Headteacher.
- 4.6** Authorising Orders, payments etc. The Line Manager and "relative" cannot both sign the same order etc, the second signatory must be another officer.

- 4.7** Any areas where separation of roles/duties is normally required for reasons of financial probity e.g. reconciliations, authorisations and transactions, cash and bank procedures. The Line Manager and “relative” cannot constitute “separation” for these purposes. Further advice should always be sought from the Audit and Review Section.
- 4.8** Approval of Annual Leave for “relative”. To be signed off by the Headteacher.
- 4.9** Approval of Expenses claims. As per 4.8.
- 4.10** Return to work discussions / Sickness Review Interviews. Some flexibility is required. Generally discussions to update their “relative” on work issues arising while they were sick should be handled by his / her line manager. However discussions around reasons for absences and fitness issues should be conducted by his / her Headteacher.