

# **Staff Code of Conduct and Staff Complaints Policy**

## **Rationale**

This Policy covers the school's expectations of its members of staff, and also what members of staff should do should they need to make a complaint. The policy is divided between the two areas in the sections below, as appropriate,

Members of staff at Oakleigh have a commitment to pupils, colleagues, parents/carers, governors and the community at large.

At Oakleigh we always take complaints seriously and try to resolve the issue immediately. We do not tolerate any form of discrimination, abuse or bullying between members of staff

## **Purposes**

### ***Code of Conduct***

In fulfilling their obligations, members of staff should behave at all times in such a manner as to demonstrate personal courtesy and integrity and to enhance the dignity and standards of their work.

Staff should strive constantly to develop skills and expertise in their work.

### ***Complaints***

Staff who may need to deal with complaints have received training in 'Dealing with Difficult Situations' and all staff receive regular Equalities training.

We endeavour to encourage staff to resolve any issues directly with the person they are having difficulties with.

We adhere to a set of principles (See Single Equalities Policy), including:

- We recognise and respect diversity
- We foster positive attitudes and relationships, and a shared sense of cohesion and belonging
- We aim to reduce and remove inequalities and barriers that already exist

## **Guidelines**

### ***Code of Conduct***

1. With regard to the children we:
  - Remember that the spiritual, moral, intellectual and physical welfare of the children is the prime purpose and first concern of education
  - Behave with compassion and impartiality
  - Are sensitive when discussing children, especially when they are present
  - Ensure that all movement of children with mobility needs is a positive experience for them
  - Are aware of and make allowances for sensory impairments
  - Respect the confidentiality of information relating to children unless its disclosure is either required by law or in the best interests of the child
2. With regard to colleagues we:

- Exercise a duty of care towards them
  - Are aware of their work related needs
  - Keep confidential, discussions concerning problems associated with work where lawful to do so.
  - Are sensitive when making assessments or observation of their work
  - Never belittle a colleague in the presence of others
  - Exercise maximum frankness and good faith in all matters relating to appointments to posts
  - Where authorised to give references, to take care to give references that are fair and truthful
  - We comply with the Information and Consultation of Employees Regulations (often abbreviated to the ICE Regs). We will inform and consult with employees or representatives during the process of making plans and decisions. We aim to create a culture whereby staff can effectively and confidently exchange views and ideas, issue and receive instructions, discuss problems and consider developments. A request for a formal agreement that sets out the process must be made by at least 15 employees or 10% of employees, whichever number is greater.
  -
3. With regard to parents / carers we:
    - Seek to establish friendly and co-operative relationships
    - Do not knowingly distort or misrepresent the facts concerning any aspects of the educational development of their child
    - Respect the joint responsibility which must exist between the school and parents / carers for the education of their child
    - Respect parental or carers rights to enquiry, consultation and information with regard to the educational development of their child
    - Adhere to respectful language and behaviour even in times of disagreement
  4. With regard to Governors we:
    - Seek to establish open, friendly and co-operative relationships with members of the governing body
    - Do not knowingly distort or misrepresent facts concerning the school
    - Recognise and support their corporate responsibilities and duties
  5. With regard to the community we:
    - Promote a good working relationship with families, governors, visiting professionals and elected representatives of the community in order to create a clear understanding by them of the aims and objectives of the school
    - Are aware of the involvement of the community in the life of the school and understand its social, economic, cultural and ethnic needs and challenges
    - Act as positive role models when interacting with children with disabilities in the wider community
  6. With regard to our commitment to work we:
    - Always pay attention to the health, safety and well-being of children, colleagues, visitors to the school and ourselves
    - Celebrate the differences between people
    - Respect and fulfil contractual obligations
    - Respect the right of an individual to hold religious or political beliefs, or none, and not seek to impose personal opinions in such matters
    - Remember that we only work a set number of days a year and fit all other commitments into the other days wherever possible
    - Ensure that other commitments, including but not limited to part time employment, do not prejudice the capacity to do our job
    - Make careful and best use of all resources provided

- Ensure equal opportunities for all, regardless of race, gender, religion, political persuasion, disability or sexual orientation

**Where there is an allegation or disciplinary investigation against a member of staff Oakleigh School will adhere to the Barnet Code of Conduct:**

**1 Policy**

1.1 Barnet Borough Council requires good standards of conduct from its employees. The Council’s Conduct Procedure applies to any misconduct or serious failure to meet the standards of performance.

1.2 The purpose of the Council’s Conduct Policy and Procedure is to be corrective rather than punitive and it should be recognised that the existence of the Conduct Procedure is to help and encourage employees to achieve and maintain acceptable standards of conduct and to ensure consistent and fair treatment of all employees.

1.3 Decisions made within the procedure will be on the balance of probabilities. Therefore, where a decision is made, the decision-maker should be able to demonstrate a reasonable belief to support the decision made.

1.4 The above forms the Council’s policy as at October 2010, it should be noted that: -

- the policy does not confer any contractual rights
- the Council will retain the right to review the policy at any time. Changes may result from employee, management and trade union feedback and/or from changes in employment legislation. The Council, following consultation with recognised Trade Unions, will implement revisions and updates.

**2 Scope**

2.1 This policy applies to all Council employees, including Head Teachers, Teachers, school based support staff and Chief Officers.

2.2 A Chief Officer is defined as a Deputy Chief Executive, Assistant Chief Executive, Director or a designated Deputy to one of the Directors.

2.3 The policy excludes the Chief Executive.

2.4 The policy excludes employees who are on probation. The Probation Policy and Procedure will be applied.

2.5 The policy is recommended for implementation by staff directly employed by schools, for example those based in Academies.

**D2 - Conduct 1 Working for Barnet**

**3 Summary of Procedure**

3.1 The Conduct Procedure contains the following stages:

Action	Action	Outcome
<b>Establish the facts of the case</b> <b>Para 6.1. refers</b>	Alleged misconduct takes place. Seek initial explanation, if satisfactory take no further action. Witnesses and / or initial complainant interviewed. Facts established and initial evidence gathered. Precautionary measures considered (Para 6.3 refers).	Decision made whether there is, or is not, a case to answer.

<b>Inform the employee of the problem</b> <b>Para 6.2. refers</b>	Employee informed, normally within 2 working days, of the allegation that a case is being investigated.	Employee has the opportunity to prepare for the formal meeting.
<b>Formal Meeting to discuss the problem</b> <b>Para 6.4. refers</b>	Employee invited to Formal Meeting, normally given 7 working days notice and advised of right of representation.	Employee given opportunity to see case papers of the evidence against them and given a further opportunity to prepare their own evidence in support of their claim.
<b>Decision on appropriate action</b> <b>Para 6.5. refers</b>	Formal meeting held and decision made. Right of appeal notified.	Outcome of the case is considered and made, from counselling through to dismissal and action short of dismissal.
<b>Appeal</b> <b>Para 6.6. refers</b>	Appeal lodged within 5 working days of notification of outcome. Employee given 7 working days notice of appeal hearing.	Final stage in procedure. Meeting held and case reviewed, not reheard.

#### **4 Principles**

4.1 Counselling will be offered, where appropriate, to resolve problems.

4.2 No disciplinary action will be taken against an employee until the case has been fully investigated.

4.3 At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.

4.4 Apart from the initial discussion seeking an explanation, at all stages of the procedure the employee will have the right to be accompanied by a recognised trade union representative or Barnet work colleague.

4.5 No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty may be dismissal without notice or payment in lieu of notice.

4.6 An employee will have the right of appeal against any formal discipline penalty imposed.

4.7 The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

4.8 The minimum three step procedure recommended by ACAS will be followed if an employee faces dismissal or certain kinds of action short of dismissal such as demotion or transfer.

4.9 Where reference is made to "working days" in this policy, the meaning of a "working day" for all establishments except Schools is Monday to Friday (excluding Bank and Public Holidays), irrespective of whether this is a normal working day for the employee. For Schools, "working day" means one of the 195 days in a School year; of which 190 days must be days on which the teacher may be required to teach pupils and perform other duties and 5 days must be days on which the teacher may only be required to perform other duties

4.10 Occasionally an employee who is subject to the Conduct Procedure may lodge grievances. Both processes will normally run at the same time, however, consideration may be given to suspending the Conduct Procedure whilst the grievance is investigated.

## **5 Conduct Procedure – General Guidance**

### **5.1 Representation**

**5.1.1** Employees have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:

- a formal warning being issued; or
- the taking of some other disciplinary action; or

the confirmation of a warning or some other disciplinary action (appeal hearings).

### ***Complaints***

If there is a problem which cannot be dealt with by the person to whom the complaint is initially addressed then the following chain of referral should be followed

For LSAs / MTSs the chain is as follows:

- Teacher
- Deputy Head / Assistant Head
- Headteacher
- Governing Body

For teachers the chain is as follows:

- Deputy Head/ Assistant Head
- Headteacher
- Governing Body

Complaints will be received in writing, signed and dated by the member of staff making the complaint

This policy will be reviewed every 3 years