

Approved by Board of Management: 15 December 2008
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STAFF CODE OF CONDUCT – PROCEDURE DOCUMENT

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Name:	CODE OF CONDUCT
Purpose:	The Code of Conduct incorporates existing policies, regulations and conditions of service and provides further guidance on the minimum standards of conduct expected of College employees.
Resources:	<input type="checkbox"/> Staff Development
Users:	<input type="checkbox"/> All Staff

1. Key Principles of the Code of Conduct

The general principles upon which this Code of Conduct is based are:

1.1 Selflessness

Staff have a duty to take decisions solely in terms of public interest. Staff must not act in order to gain financial or other material benefit for self, family or friends.

1.2 Integrity

Staff must not allow any financial or other obligation to influence them in the performance of their duties as an employee of the College.

1.3 Objectivity

Staff should make decisions solely on merit and presented facts and evidence, when carrying out College business.

1.4 Accountability

Staff are accountable for their decisions and actions to the College. Staff have a duty to consider issues on their merits, taking account of the views of others and must ensure that employees use College resources prudently and in accordance with the law.

1.5 Openness

Staff have a duty to be as open as possible about their decisions and actions, giving reasons for their decisions and restricting information only when the wider public interest clearly demonstrates it.

1.6 Honesty

Staff have a duty to act honestly. Staff must declare any private interests relating to their College duties and take steps to resolve any conflicts arising in a way that protects the College interest.

1.7 Respect

All staff of the College should treat each other and anyone connected with the college with respect.

1.8 Leadership

Wherever appropriate, employees have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the College staff and Board of Management.

1.9 Equality and Diversity

All staff have a right to be treated fairly and equitably and should not be treated less favourably than others because of factors which may form the basis of unlawful discrimination, and specifically their:

- ethnicity or national origins
- religion or belief, (including no religion or belief)
- gender (including transgender)
- sexual orientation
- age
- disabilities
- appearance
- accent

All staff have a duty to ensure that no person is unlawfully discriminated against, in their employment and in delivering a service under legislation. All staff have a duty to eliminate unlawful discrimination and promote equality.

2. Personal Relationships at Work

A personal relationship is defined as a family relationship, a business/commercial/financial relationship or a sexual/romantic relationship.

2.1 Relationships between staff and students & The Sexual Offences Act 2003

The Sexual Offences Act re-enacts and extends the abuse of position of trust offences set out in the Sexual Offences (Amendment) Act 2000, prohibiting sexual contact between adults and children under 18 in schools and colleges and residential care, in order to protect vulnerable 16 and 17 year olds.

The amendments are mainly designed to protect young people aged 16 and 17 who, even though they are over the age of consent, are potentially vulnerable to sexual abuse from people in positions of trust or authority.

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College staff can be seen to be in a 'position of trust' as they have a potential power and authority in a child's life, have regular contact with them and may have a key influence on their future. Therefore, under no circumstances should staff enter into a sexual/romantic relationship with a student who is covered by this legislation.

There are certain situations in which the position of trust offences does not apply. These are where a person is legally married to the young person, or where a lawful sexual relationship existed before the position of trust arose.

2.2 Relationships between staff and students

The College believes that the professional relationship between a student and a member of staff is vital to a student's educational development and affirms that the teaching relationship is based on trust, confidence and dependency. In this context a professional relationship is defined as one where there is an assessing, supervising, tutoring or teaching role or a role providing administrative or technical support. Students are entitled to equality of treatment and it is important that a personal relationship between a member of staff and a student is not perceived by others to prejudice that equality of treatment.

Staff are strongly advised not to enter into a sexual/romantic relationship with a student for whom they have a responsibility for assessing, supervising, tutoring or teaching or for whom they are required to provide administrative or technical support. Further, staff should not enter in to a business, commercial or financial relationship with a student which could compromise, or could be perceived to compromise, the objectivity and professional standing of the teaching relationship.

The College recognises, however, that such relationships may exist when a member of staff is appointed or when a student enrolls, or that a relationship may develop between a member of staff and a student during a programme of study. Where a member of staff has a professional role in relation to a student with whom she/he has a personal relationship, it is the responsibility of the member of staff to inform their line manager, in order that alternative teaching, tutoring or assessing arrangements may be made.

2.3 Relationships between members of staff

Although the existence of a personal relationship between members of staff does not necessarily constitute a bar to the employment or promotion of either party, staff should declare to their line manager any personal relationship which may give rise to a real or perceived conflict of interest, trust or breach of confidentiality.

Where a personal relationship exists or develops between members of staff who

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are in a line management or supervisory relationship at work, they must not be involved in recruitment, selection, appraisal or in any other management activity or process involving the other party. Additionally, staff in a personal relationship should not work together in any circumstance whereby a conflict of interest, breach of confidentiality or unfair advantage may be perceived to be gained from the overlap of a personal and professional relationship. In any such circumstance, the relationship must be declared in confidence to the appropriate Head of School/Operational Manager. The manager to whom the information is disclosed will then make alternative management arrangements and confirm them in writing to the individuals concerned. If it is considered unavoidable to inform other members of staff about the relationship in order to explain a change in management arrangements, this will be discussed with the individuals concerned, before it is disclosed.

2.4 Declaration of personal relationships where they overlap with professional roles

Staff who are uncertain about whether they should take action regarding a personal relationship are invited to seek guidance in confidence, from the HR Manager, an HR Advisor or their Trade Union Representative.

A case whereby any personal relationship as defined within this code, is not declared and results in an unfair advantage or disadvantage to either of the parties to the relationship (whether they are a member of staff or a student), will be considered a serious matter and may lead to disciplinary action.

While not a bar to employment with the College, applicants for employment will be asked to declare any personal relationships with existing members of staff, students or members of the Board of Management.

3. Appointments (Recruitment and Selection)

The College has an agreed [Recruitment and Selection Policy](#). It is clearly understood that all appointments must be equitable and made on the basis of merit. If you are involved in the recruitment process, and have any kind of relationship which might affect your ability to be impartial, that relationship must be declared to Human Resources.

Candidates must not canvass any members of an interview panel either directly or indirectly to secure the appointment or promotion of another person.

If you have been approached by an applicant, or anyone claiming to support the applicant, you must report the matter to Human Resources.

4. Alcohol/Drugs Misuse

The College has an obligation to all its customers, be they students, businesses or suppliers, to provide the best and most efficient service it can. It is recognised that the effects of drug and alcohol misuse range from absenteeism, low productivity and increased disciplinary action to injury in the workplace.

Drug and alcohol issues within the College will normally be dealt with through the provision of positive support and practical assistance. Staff who believe they have an alcohol or drug related problem are encouraged to seek confidential help and treatment. An individual may consult, in complete confidence, an HR Advisor or alternatively, you may discuss the matter with your line manager. It should, however, be recognised that the nature of the College business is such, particularly having contact with children and vulnerable adults, that incidents relating to inappropriate use of drugs or alcohol whilst within College will normally be treated as a disciplinary issue, and potentially as gross misconduct.

4.1 Alcohol consumption during working hours

The consumption of alcohol during working hours is not permitted, including during breaks and on the way to work. This will help the College to promote a healthier workforce and also to assist with managing health and safety and increase productivity of staff.

All staff have a responsibility to maintain a professional standard of service, whilst also ensuring that the College provides a safe and satisfactory learning environment. Approval may be granted by Senior Management for special occasions i.e. graduation events, hospitality events or College functions. Where the consumption of alcohol has been sanctioned by Senior Management, staff consuming alcohol must act responsibly and should they return to work must be able to carry out their normal functions with due regard to health, safety and quality of service. Failure to act in accordance with these guidelines may result in disciplinary action being taken in line with the College Disciplinary Procedure.

4.2 Possession of an illegal drug in the College

Any member of staff found to be in possession of an illegal drug on College premises will face disciplinary action. Possession of a Class A drug (cocaine, ecstasy, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of class B drugs, are all Class A drugs under the Misuse of Drugs Act 1971) will be regarded as Gross Misconduct which may result in summary dismissal and the matter being referred to the police.

Further guidance can be found within the [Staff Drugs and Alcohol Policy](#) which can be located within the Policy Folder on your PC desktop.

5. Smoking Policy

5.1 Legal Requirement

From 26 March 2006, in Scotland, it became illegal to smoke in most indoor places including workplaces. The College has a duty to take all reasonable precautions to ensure that employees, customers and visitors don't smoke on the premises. With this in mind smoking is not permitted anywhere within the premises of any of the College campus sites, including the general car park areas, **except** where designated.

5.2 Penalties

Individuals who smoke in no-smoking premises could face a fixed penalty fine of £50. Refusal to pay or failure to pay could result in prosecution and a fine of up to £1,000. Those in control of no-smoking premises could be fined a fixed penalty of £200 either for allowing people to smoke in their premises or for failing to display warning notices. Refusal to pay or failure to pay could result in prosecution and a fine of up to £2,500. The fines imposed and amount of fine set are legislative and collected by the appropriate authority.

5.3 Designated Smoking Areas

There are designated areas at each College Campus site where smoking is permitted. Any staff members who are caught smoking anywhere else within College buildings or premises should be aware that it is a potential disciplinary matter and a criminal offence.

6. Dress Code/Personal Appearance

Staff should ensure they are dressed with neatness and propriety in relation to the job that they do, so as to maintain a professional corporate image. In addition you are expected to keep in good condition all items of safety clothing and equipment (PPE) supplied for your protection. This and its use are also in accordance with Health and Safety legislation.

7. Outside Work/Conflict of Interests

7.1 Outside Work (Including Voluntary and Secondary Employment)

If you wish to undertake any work outside the College, whether paid or unpaid, you should raise the matter with your line manager. This is to ensure that any secondary employment does not interfere with your normal College duties.

In accordance with the Working Time Regulations 1998 and under Health and

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Safety at Work legislation, the maximum working week should be no more than 48 hours per week, unless you are excluded from the Regulations or decide to opt out from this maximum. Staff who undertake work in addition to their hours worked with the College, and are likely to exceed the 48 hour weekly limit, should be aware that they are required to sign an opt out agreement with all employers. Please see Appendix A for a copy of the opt out agreement form.

7.2 Conflict of Interests

You must not use your position as a member of staff employed by the College to further your own private interests or those of your family, friends or other acquaintances. For instance, it would be deemed as inappropriate behavior, and possibly a disciplinary matter, for a member of staff to promote their own private business interests in the course of their College duties. Staff should always strive to work in line with the Key Principles as outlined in section 1 of this document.

7.3 Declaration of Interests

The College would ask all staff to declare any substantially significant interests they have, and relevant gifts or hospitality (as outlined in point 8 below) received in connection with their role within the College. Senior Managers are asked to complete a Declaration of Interests Form which lists the types of interest that should be declared. The form can be obtained from the College Secretary. All other staff are asked to declare any substantially relevant interests to their line manager, who will then pass the information to the College Secretary, for the details to be recorded and maintained.

If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the College Secretary for confidential guidance.

8. Accepting Hospitality/Gifts

Staff must not receive gifts, hospitality or entertainment or benefits of any kind from a third party which might be seen to compromise their personal judgment or integrity. A Register is held by the College Secretary and all relevant details should be passed on to be recorded as outlined below.

8.1. Gifts

Gifts of a small or inexpensive nature such as calendars or diaries or simple or inexpensive items such as flowers and chocolates can be accepted. All gifts valued over £20 must be recorded in the Register held by the College Secretary. Offers of cash or cash equivalents (e.g. lottery tickets or gift vouchers) made by

suppliers, contractors or other service users to members of staff should be declined.

8.2. Hospitality/Entertainment

Staff should only accept an invitation to attend an event involving entertainment and/or hospitality by a College supplier or potential supplier if it is a benefit to the College and within the normal responsibilities of your role. If you are unsure whether or not to accept hospitality you should seek guidance from your line manager in the first instance. As a general guide any hospitality accepted with a value of £40 or more should be recorded by the College Secretary.

Failure to declare any gifts or hospitality/entertainment as outlined above may result in disciplinary action.

9. Confidential Information

In the normal course of employment with the College you will have access to and be entrusted with information on many different aspects of College work, much of which is confidential and should not be disclosed to third parties (except where that information is already in the public domain). This includes information about:

- College policy, organisation and management
- Pricing and pricing policy
- Future plans
- Operational techniques, procedures and processes (including the details of any passwords for College ICT systems)
- The persons and organisations with which the College has contact

10. Public Interest Disclosure (Whistleblowing)

The Public Interest Disclosure Act 1998 came in to effect on 01 June 1999 and amends the Employment Rights Act 1996. It gives legal protection to staff from being unfairly dismissed or penalised by their employers as a result of disclosing certain serious concerns.

Staff may often be the first to be aware of misconduct that may turn out to be fraud, corruption, professional malpractice or some other form of dishonesty. Inverness College is committed to providing the means by which staff (including contractors) may raise serious concerns which he/she may have about malpractice or corruption in the workplace. Staff have a right, and a duty, to have matters that are raised lawfully, in good faith, without malice and in the public interest investigated, without fear of reprisal and victimisation. The [Public](#)

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[Interest Disclosure \(Whistleblowing\) Policy](#) outlines the means by which employees can raise concerns internally in the College, and if necessary, externally. The policy document can be located within the Policy Folder on your PC desktop.

11. Reporting of Arrests or Convictions

Staff must report the matter to their line manager if they are arrested and/or if refused bail, or if convicted by a court of any criminal offence. This is regardless of whether the offence relates to the Protection of Children or Adults at Risk or any road traffic offences. With regards road traffic offences, these may either occur whilst driving a College vehicle, hire car, or where driving is a work requirement as part of your role.

If convicted of an offence, the College is obliged to consider whether or not the member of staffs employment may be affected. Much will depend on the post/duties and the nature of the offence which led to conviction.

Failure to notify the College of any arrests or convictions will result in disciplinary action being commenced against you in accordance with the College's Disciplinary Procedure, which may lead to the termination of employment.

12. Health & Safety at Work

Staff are responsible on a personal basis for taking reasonable care of themselves and others who may be affected by their acts or omissions at work and for complying with all enactments and with the College Rules and Regulations in this respect.

The College places the greatest importance on health and safety matters and undertakes to conduct its operations in such a way as to ensure the health and safety of all its employees, visitors and the general public. To assist in achieving this goal, each department within the College has developed risk assessments that identify the hazards, evaluate the risks and apply control measures to reduce the risk to a level as low as is reasonably practicable.

Health and Safety is everyone's responsibility. Staff have a responsibility to do all you can to prevent injury to themselves, colleagues and others affected by their actions or omissions at work and to co-operate with the College on matters of health, safety and welfare. Staff must familiarise yourselves with, and conform to, the College's Health and Safety Policy at all times. The [Health and Safety Policy](#) document can be located within the Policy Folder on your PC Desktop.

13. Acceptable Use of College ICT Facilities

There is a separate ICT Code of Conduct document and staff using the ICT facilities must abide by the rules as outlined in the Code of Conduct. The College is connected to the UK academic network known as JANET, and abides by the regulations of use as described in the [JANET Acceptable Use Policy](#).

The College recognises that its staff members are responsible professionals who are used to taking responsibility for their work without abusing any access to resources granted by the College. Occasionally, however, staff members may be tempted to use ICT for purposes which the College could not support, and which would therefore infringe the terms of the ICT Code of Conduct. If a deliberate infringement takes place then disciplinary action may follow, depending on the seriousness of the actions involved.

Certain actions, such as the use of college ICT to download pornographic material from an internet site, could be classed by the College as constituting gross misconduct on the part of the staff member concerned and the consequences therefore of a staff member being shown to have committed such an offence could be as severe as for any other offence of gross misconduct, with dismissal a possible outcome.

Further guidelines relating to the use of College ICT facilities can be found within the [Acceptable Use of College Information and Communications Technology policy](#) document, which can be located on the P:drive\Staff\ICT\Codes of Conduct.doc.

14. Damage to College Premises

Damage to College property, that of another employee or visitors to the College's premises arising from willful or negligent acts may be considered as gross misconduct and will be dealt with through the College Disciplinary Procedure.

15. Identity Cards

In the interests of security, Inverness College operates an identity card scheme and requires all College employees and visitors to wear an identity card or visitor's badge as directed at all times whilst on College premises. All employees, wherever based, will be issued with an identity card, from Human Resources, within the first week of employment.

In the interests of security, you must display your identity cards at all times.

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Anyone not displaying or able to produce on demand a valid staff identity card or visitor's badge may be required to leave the premises. Continuous reminders to display an identity card will be regarded as a conduct matter, which may be referred to member of staffs line manager and Human Resources. Staff are also encouraged to challenge anyone seen acting suspiciously. If there is any concern about confronting the individual, reception and security must be contacted as soon as possible.

Should employment with the College end, staff must ensure that they return their identity card to Human Resources.

Appendix A

INDIVIDUAL OPTION TO WORK MORE THAN 48 HOURS PER WEEK

Organisational View

Inverness College believe that where ever possible a workers working time should not exceed those working times identified as follows in Regulation 4 (1), however it is recognised that there may be instances where workers may choose to extend their working time with agreement from their Line Manager.

Rationale for Agreement

Regulation 4 (1) of the Working Time Regulations 1998 states subject to Regulation 5, a worker's working time, including overtime, must not exceed an average of 48 hours for each seven days, averaged over a rolling 17 week period.

Regulation 5 states that the 48 hour limit shall not apply to a worker who has agreed with his employer that it should not apply in his case.

Employees may choose to work more than the 48 hours average working weekly limit provided that there has been a written request and an agreement reached with their immediate Line Manager in writing.

Conditions of Agreement

I (Name), (Designation), hereby agree that the limit of working hours for each seven days set out in Regulation 4 (1) of the Working Time Regulations 1998 shall not apply in relation to my working time with Inverness College. The calculation of my working time will be made by reference to a reference period of 17 weeks.

This agreement will come into force as at the date of my signature. The agreement is for an indefinite period of time, but may be terminated by either party, not less than 7 days and more than 3 months, upon receipt of written confirmation.

Date..... Signed (Member of Staff)

Date..... Signed (Line Manager)

If the employee is working for another employer the terms on which the employee is to provide their manager with details of the additional hours they are working within the other job, must be stated below:

.....

Date..... Signed (Member of Staff)

Date..... Signed (Line Manager)

Original copy to be held in Human Resources, copies for Line Manager and Member of Staff.