



# CLEVELAND COLLEGE OF ART & DESIGN

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The policy or procedure will be reviewed by the date shown on the front cover sheet, or sooner if a change in legislation, best practice, or other circumstances indicate that this is necessary. If, for whatever reason, the policy or procedure is not reviewed by the date shown, the policy or procedure shall stay in force until formally reviewed.

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## **INTRODUCTION**

- 1) This policy intends to provide guidance on expectations and standards in relation to working within the College. As well as understanding the terms of this policy, employees should also make themselves familiar with the terms of their contract of employment.
- 2) The College is justifiably proud of the quality and commitment of its employees and expects the highest standards of conduct from them. All employees are expected to promote and protect the interests of the College in day to day business. This policy aims to reflect the values of the College and outlines key principles about the way employees should carry out their responsibilities.
- 3) If an employee's working standards and/or behaviour do not comply with the requirements outlined within this policy the College will consider whether the employee's conduct warrants the application of the Colleges Staff Disciplinary Policy and Procedure or Equality and Diversity Policy.

## **SCOPE**

- 4) The policy covers all employees of Cleveland College of Art and Design, whether employed permanently, temporarily, full time or part time.

## **DEFINITIONS**

- 5) None

## **POLICY**

### **Standards of Work and Behaviour**

- 6) No matter what type of work employees undertake, it is a requirement of employment that College regulations, systems and procedures are adhered to. In many instances these are designed to prevent fraud and corruption and to protect employees themselves from suspicion of malpractice.
- 7) All employees have a duty to use the funds and resources entrusted to them in a responsible and lawful manner and should ensure that the College receives value for money in all transactions.
- 8) Employees are ambassadors of the College and their behaviour both internally and externally can have a direct impact on the College's reputation. Behaviour that is likely to bring the College into disrepute or adversely affect the work or well-being of colleagues or students will not be tolerated.

### **Personal Relationships**

- 9) The College values and relies upon the professional integrity of relationships between employees and in the employee/student relationship. In order that College business is conducted in a professional manner it is necessary to distinguish between, and take account of, personal relationships which overlap with professional ones.
- 10) Standards relating to personal relationships are to ensure that employees do not commit acts of impropriety, bias, abuse of authority or conflict of interest and do not lay themselves open to allegations that they have done so.
- 11) In the context of this document, a **personal** relationship is defined as:
  - immediate family relationships;
  - a business/commercial/financial relationship; or
  - a sexual/romantic/intimate relationship.

## **Relationships between Employees and Students**

### Sexual relationships with students who are under age 18

- 12) Entering into or attempting to enter into a sexual relationship with a student who is under the age of 18 is strictly forbidden and would be considered potentially gross misconduct. Colleges act in loco parentis for students under age 18. **No member of staff should enter into a sexual relationship with any student who is under the age of 18.**
- 13) Staff should be aware that having a sexual relationship with a student who is under age 18 could be treated as a criminal offence that may result in imprisonment. The Sexual Offences Act 2003 specifically prohibits such relationships where the member of staff is in a position of trust.<sup>1</sup>
- 14) Any member of staff who attempts to enter or enters into a sexual relationship with a student who is under age 18 will be subject to disciplinary procedures. The actions may constitute gross misconduct, which could lead to summary dismissal.<sup>2</sup> The matter would also be referred to the Independent Safeguarding Authority for their consideration for the Vetting and Barring Scheme, and where appropriate, other agencies such as the Police and Social Services would also be informed.

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<sup>1</sup> Previously the guidance only said relationships need to be within the legal framework and age of consent. This now makes it clear what the implications are.

<sup>2</sup> Previously we didn't make it clear that it is potentially gross misconduct, just that it would be dealt with under the disciplinary procedure if someone didn't declare a relationship.

## Sexual relationships with students aged 18 or over

- 15) Sexual relationships with students who are age 18 or over are discouraged. The normal professional relationship between staff and students is not equal. All students are entitled to equality of treatment and it is important that this is maintained and is seen to be maintained.
- 16) Although the College discourages such sexual relationships in general and regards it as unprofessional for a member of staff actively to seek to initiate or to pursue such a relationship, it also recognises that such relationships may from innocence develop with sincerity and genuineness on both parts. They will always be difficult to manage, however.
- 17) The College requires that if such sexual relationships arise they be conducted with the utmost discretion and entirely off-site and outside of the professional environment. This is to avoid negative perceptions from other members of staff and students.
- 18) Furthermore in the event of such a sexual relationship occurring, and as a protection both to the member of staff and student, the College requires that the existence of a relationship is brought, with the knowledge of the student, to the attention of the employee's line manager who will then discuss the matter with the Principal. If the Principal is the line manager they should discuss this with the Chair of Governors. This requirement applies equally to relationships that existed prior to employment or enrolment and to relationships that develop once at the College. See Guidance on close personal or sexual relationships between staff and students, and between staff and staff for full procedure.

### **Relationships between Employees**

- 19) It is recognised that it is not uncommon for people who work for the same College may have or develop a close personal relationship on either a permanent or short term basis. Where this develops **between an employee and someone with line management responsibility for them (either directly or indirectly)** this should be declared to the employee's line manager. See Guidance on close personal or sexual relationships between staff and students, and between staff and staff for full procedure.

### **Declaration of Personal Relationships where they overlap with Professional Roles**

- 20) Employees who are uncertain about whether they should take action regarding a personal relationship are invited to seek guidance in confidence, from the HR Manager or their trade union representative.

21) 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 (be they an employee or a student), will be considered a serious matter and may lead to disciplinary action.

22) Where an employee is involved in decisions such as recruitment and they have a close personal relationship with an applicant they should declare this to the HR representative involved in the process so appropriate amendments can be made.

### **Dignity at Work**

23) The College will not tolerate harassment or bullying at work. The Harassment and Bullying Procedure is a statement of current policy and the College's on-going commitment to aim to provide and to promote a working environment where everyone is treated with respect and dignity, where no-one feels threatened or intimidated and where everyone can do their work free from harassment and/or bullying.

24) If an employee experiences or witnesses harassment or bullying at work the College advises that the employee seeks guidance from the HR Manager.

### **Bribery Act 2010**

25) The College is committed to complying with the Bribery Act 2010 in its business activities both in the UK and overseas.

26) In the following paragraphs of this section where a reference is made to employees it will also include temporary workers, consultants, agents, contractors, suppliers and subsidiaries of the College

27) In line with the Act, employees of the College must not offer, promise, give, request, agree to receive, or accept any bribes:

- in the course of their employment;
- when conducting College business; or
- when representing the College in any capacity.

28) A bribe is defined as a financial payment or other form of reward or advantage that is intended to influence an individual, company or public body to perform their functions improperly. Improper performance includes:

- not acting in good faith;
- not acting impartially; and
- not acting in accordance with a position of trust.

29) It is also an offence for employees to bribe a foreign public official in order to obtain or retain business or an advantage in the conduct of business.

- 30) Employees are required to take particular care to ensure that all College records are accurately maintained in relation to any contracts, business activities, including financial invoices and all payment transactions with clients, suppliers and public officials. Furthermore, employees should ensure that where a third party is involved in representing the College, the third party also has an adequate Bribery Policy / procedures in place to prevent bribery.
- 31) Due diligence should be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative. Where the type of contract, arrangement or relationship is outside of the Colleges core activities, a separate Risk Assessment should be conducted and recorded.
- 32) Employees should be aware that an offence is committed even where the bribe has not been given; an offer or promise is sufficient for liability to arise.
- 33) Any employee who commits an offence under the Bribery Act may be subject to a legal penalty, that could include an unlimited fine or up to 10 years imprisonment, as well as action under the Staff Disciplinary Policy and Procedure.
- 34) Employees should report any suspicious conduct that they believe may constitute bribery following the procedures laid out in the College's Whistleblowing Policy.
- 35) Corporate entertainment, gifts, hospitality and promotional expenditure are not included in the scope of the Bribery Act and are considered in the section below.

### **Acceptance of Gifts or Hospitality**

- 36) Employees are not permitted to accept gifts or any rewards for the carrying out of their duties or for the showing of favour, or disfavour to any student, supplier or other person associated with the College.
- 37) Likewise hospitality should only be accepted where the employee is representing the College in a corporate rather than personal capacity.

### **Conduct Outside of Work**

- 38) Employees should ensure that they do not behave in a way outside of work that may potentially damage the Colleges image.

### **Financial Interests**

- 39) Employees must declare in writing to the Principal any financial or non-financial interests, which could bring about conflict with the College's interests. It is a further requirement that employees declare any financial

interest that they or their spouse or partner may have in an existing or proposed contract with the College.

### **Responsibilities of Employees Involved in Tendering Processes**

40) Employees involved in tendering processes and contracts must, at all times, act in a professional and open manner in their dealings with contractors and suppliers of services. Fairness and impartiality must be exercised on all occasions with due regard being given to ensuring the College receives value for money. Employees who are privy to confidential information on tenders or costs for contractors should not disclose information to any unauthorised party or organisation. No special favour should be shown to former employees or relatives thereof, in awarding contracts to businesses run by them.

### **Reporting of Bad Practice, Misconduct, Suspicion of Fraud or Corruption**

41) The College is committed to the elimination of fraud and corruption and is determined to protect itself from such unlawful activities whether they are attempted by internal or external parties or individuals.

42) Employees are expected, without fear of recrimination, to bring to the attention of their line manager any instances of bad practice or misconduct that may bring the College into disrepute. Further to this employees must report to their line manager any suspicion of fraud, corruption or malpractice. In some instances it may be more appropriate to report any concerns to the Principal.

43) If an employee wishes to bring any issues in this regard to the College's attention they should follow the Whistleblowing Policy.

### **Summary**

44) This Code is not designed to cover every eventuality. Its purpose is to outline the standards expected of employees; it does not replace statutory or contractual requirements. It also confirms that the College will deal with any instances of misconduct or fraudulent behaviour. If any employee is uncertain of the conduct expected of them they should consult their line manager or the HR Manager.

45) Employees should note that failure to follow and adhere to the standards set out in this Code of Conduct may lead to disciplinary action, including dismissal. Full details can be found within the College's Staff Disciplinary Policy and Procedure.

46) If employees have any concerns related to matters outlined in this policy they should follow the guidance here within but may also wish to refer to the College's Grievance Procedure.

## **ROLES AND RESPONSIBILITIES**



47) The College Principal/Chief Executive and management are responsible for ensuring that:

- a) They are familiar with the code of conduct policy, and that it is followed correctly;
- b) They are aware of the College's legal responsibilities as an employer in relation to code of conduct.

48) The HR Manager is responsible for ensuring that:

- a) Monitoring of the policy is carried out and the policy is reviewed accordingly; and
- b) Appropriate training and development is provided to support managers' and employees' understanding of the code of conduct policy.

49) Employees are responsible for ensuring that:

- a) They familiarise themselves with the code of conduct policy.

## **STANDARDS/KEY PERFORMANCE INDICATORS**

50) Responsibility for monitoring and reviewing this policy lies with the HR Manager. The policy will be reviewed as part of an annual employment policies and procedures review. The review will include consultation with recognised trade union representatives specifically on this policy at least every three years.

## **EQUALITY STATEMENT**

51) This policy will be implemented in line with the principles of the College's commitment to equality and diversity which is: Cleveland College of Art and Design is committed to the principles of equality and diversity and aims to ensure that all employees and College users are treated fairly and equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

## **DOCUMENT CONTROL INCLUDING ARCHIVING ARRANGEMENTS**

### **Register/Library of Procedural Documents**

52) The Academic Registrar is responsible for maintaining an index of policies and procedures in use and will act as archivist. A single library of College policies and procedures will be maintained. Any policies that are replaced or are no longer active will be archived.

53) All 'live' policies and procedures will be accessible to staff in hard copy via policy and procedure files, and will be published on the intranet site. Policies

and procedures will also be published on Cleveland College of Art and Design's external website.

**RELATED DOCUMENTATION**

- 54) Guidance on close personal or sexual relationships between staff and students procedure