



# Triumph Learning Trust

Aspiration - Collaboration - Innovation

## Code of Conduct

### Policy Details

<b>Policy Level</b>	Trust
<b>Document Approver</b>	Trust Board
<b>Document Status</b>	Final
<b>Applicable to</b>	All Trust Employee
<b>Review Frequency</b>	Every 1 Years

### Revision History

Revision	Date	Details	Approved by
0	19 November 2024	First Issue	PIC
1	May 2026	Revision 1	TB

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## 1. Introduction

This policy aims to set and maintain standards of conduct that we expect all staff to follow.

By creating this policy, we aim to ensure our school is an environment where everyone is safe, happy and treated with respect. We expect all staff, governors and volunteers to also act with personal and professional integrity, respecting the safety and wellbeing of others.

Failure to follow the code of conduct may result in disciplinary or legal action being taken, as set out in our staff disciplinary procedures.

The Code of Conduct is referred to throughout the document as 'the Code'.

All employees and volunteers have personal and legal responsibilities that are wider than their safeguarding responsibilities, including treating others with dignity and respect; acting honestly; using public funds and Trust equipment appropriately; adhering to health and safety guidelines; and practising equal opportunities at all times. These expectations are set out in the Code and should be fully observed by all staff and volunteers, including the Headteacher, Senior Management team and any volunteers permitted to work in the Trust.

## 2. Scope of Policy

This policy applies to the conduct of all employees, volunteers and third parties working within the Trust.

This Code is the Trust's Staff Behaviour Policy. In line with the statutory safeguarding guidance *Keeping Children Safe in Education*, we should have a staff code of conduct, which should cover low-level concerns, allegations against staff and whistleblowing, as well as acceptable use of technologies (including the use of mobile devices), staff/pupil relationships and communications, including the use of social media.

Please note that this code of conduct is not exhaustive. If situations arise that are not covered by this code, staff will use their professional judgement and act in the best interests of the school and its pupils.

References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the Code apply to professional behaviours towards all pupils, including those over the age of 18 years. 'Child' should therefore be read to mean any pupil in an education setting.

References made to adults and staff refer to all those who work with pupils in an educational establishment, in either a paid or unpaid capacity. This would also include, for example, those who are not directly employed by the Trust, e.g. Local Authority staff, independent/peripatetic sports coaches and music tutors, local accountability board members, trustees and volunteers.

The term 'allegation' may be interpreted to include any breach of or failure to comply with this code but will always include behaviour that would warrant referral to the Designated Officer (DO) in the Local Authority or to the Information Commissioner's Office (ICO).

A number of sections of this code should be read in combination with specific policies relating to those matters, these include:

- TLT-SP-001-I Disciplinary Policy
- TLT-SP-002-I Grievance Policy
- TLT-SP-007-I Whistleblowing Policy
- TLT-SP-014-I Health and Safety Policy
- TLT-NSP-006-I Bullying Harassment Policy
- TLT-NSP-017-I Gifts and Hospitality Policy
- TLT-NSP-019-I Substance Misuse Policy
- TLT-FO-014-I Acceptable Use Policy
- TLT-FO-013-I Acceptable Digital Use Agreement
- The eSafety Policy applicable to your school
- The Child Protection and Safeguarding Policy and Low-Level Concerns Policy applicable to your school
- The Behaviour Management Policy applicable to your school

### **3. Responsibilities**

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with conduct. The Trust recognises that conduct rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The CEO and Headteachers are responsible for ensuring that this policy is effectively implemented and communicated within the Trust.

The Trust HR Team are responsible for reviewing and providing advice and guidance on this policy.

Line Managers across the Trust are responsible for applying this policy and acting in relation to all matters referred to them by members of staff, and conducting formal meetings as required by this policy.

Employees and volunteers should ensure they are familiar with other specific policies that underpin these expectations.

### **4. Equality, Diversity & Protected Characteristics**

The Trust is committed to ensuring equality of opportunity for all staff, pupils and stakeholders, and to fostering a culture of inclusion, dignity and respect.

In line with the Equality Act 2010, the Trust will not tolerate discrimination, harassment or victimisation on the basis of any protected characteristic. The protected characteristics defined by the Act are:

- Age
- Disability

- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race (including colour, nationality and ethnic or national origin)
- Religion or belief
- Sex
- Sexual orientation

All staff are expected to uphold these principles in their professional conduct and interactions with others at all times.

The Trust recognises its responsibilities under the Public Sector Equality Duty (PSED) and will have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Staff must ensure that their behaviour, decision-making and professional practice support these duties and do not disadvantage any individual or group.

Any concerns relating to discrimination, harassment or inequality must be reported in line with the Trust's policies and will be taken seriously and addressed appropriately.

## **5. Setting an Example**

Staff set an example to pupils. They will:

- Maintain high standards in their attendance and punctuality;
- Never use inappropriate or offensive language in school;
- Treat pupils and others with dignity and respect;
- Show tolerance and respect for the rights of others;
- Not undermine fundamental British values, including democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs;
- Not express personal beliefs in a way that exploits pupils' vulnerability or might lead them to break the law;
- Be neutral in their views in the course of their work at the Trust and to present a balanced view when working with pupils and parents;
- Understand the statutory frameworks they must act within;
- Adhere to the Teachers' Standards (where applicable to your role).

## 6. Staff Conduct & Professional Standards

In addition to adhering to the Teachers' Standards, all staff must conduct themselves in accordance with relevant legislation and statutory requirements governing behaviour, safeguarding and suitability to work with children.

Under the Education and Inspections Act 2006, staff are required to support and maintain good order and discipline within the Trust, and to act in a way that promotes a safe, respectful and positive learning environment at all times.

The Trust operates in accordance with the Safeguarding Vulnerable Groups Act 2006, which sets out the legal framework for preventing unsuitable individuals from working with children. All staff must comply with safeguarding requirements, including appropriate vetting, disclosure and barring arrangements, and must not engage in conduct that would call into question their suitability to work with children.

Staff working in early years provision must comply with the Childcare (Disqualification) Regulations 2018. This includes a duty to inform the Trust of any circumstances that may affect their suitability to work with children, including relevant convictions, cautions or disqualification by association.

Staff are expected to understand and fulfil their professional responsibilities within these statutory frameworks and to seek guidance where they are unsure. Failure to comply with these requirements may result in disciplinary action and, where appropriate, referral to external agencies or regulatory bodies.

## 7. Safeguarding and Child Protection

Staff have a duty to have regard to Keeping Children Safe in Education throughout their employment and abide by the duties placed upon them within this.

Staff have a duty to safeguard pupils from physical abuse, sexual abuse, emotional abuse and neglect. The duty to safeguard pupils includes the duty to report concerns about a pupil or colleague to the school's Designated Safeguarding Lead (DSL). The DSL for each school is identified in its Child Protection Policy and should be visible throughout the school through media such as posters.

### Allegations that may meet the harm threshold

This section applies to all cases in which it is alleged that anyone working in the school, including a supply teacher, volunteer or contractor, has:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place inside or outside of school.

We will deal with any such allegation quickly and in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

An 'investigating officer' will lead any investigation. This will be managed in line with the Disciplinary and Safeguarding Policies.

### Low-level concerns about members of staff

A low-level concern is a behaviour towards a child by a member of staff that does not meet the harm threshold, is inconsistent with the staff code of conduct, and may be as simple as causing a sense of unease or a 'nagging doubt'. For example, this may include:

- Being over-friendly with children
- Having favourites
- Taking photographs of children on a personal device
- Engaging in 1-to-1 activities where they can't easily be seen
- Humiliating pupils

Low-level concerns can include inappropriate conduct inside and outside of work.

All staff should share any low-level concerns they have using the reporting procedures set out in our child protection and safeguarding policy. We also encourage staff to self-refer if they find themselves in a situation that could be misinterpreted. If staff are not sure whether behaviour would be deemed a low-level concern, we encourage staff to report it.

All reports will be handled in a responsive, sensitive and proportionate way.

Unprofessional behaviour will be addressed, and the staff member supported to correct it, at an early stage.

This creates and embeds a culture of openness, trust and transparency in which our values and expected behaviour are constantly lived, monitored and reinforced by all staff, while minimising the risk of abuse.

Reporting and responding to low-level concerns is covered in more detail in our child protection and safeguarding policy. This is available on our school websites.

Our procedures for dealing with allegations will be applied with common sense and judgement.

### Whistleblowing

Whistleblowing reports wrongdoing that it is "in the public interest" to report. Examples linked to safeguarding include:

- Pupils' or staff members' health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Attempts to cover up the above, or any other wrongdoing in the public interest

Staff are encouraged to report suspected wrongdoing as soon as possible. Their concerns will be taken seriously and investigated, and their confidentiality will be respected.

Staff should consider the examples above when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

Staff should report their concern to the headteacher or CEO in line with our Whistleblowing policy, which can be found on the Trust website.

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

The Trust operates in accordance with the Public Interest Disclosure Act 1998, which provides protection for workers who raise concerns in the public interest.

### Physical contact

Staff should only touch children in ways which are necessary and appropriate to their professional or agreed role and responsibilities and in relation to the pupil's individual needs and any agreed care plan. Staff should never touch a child in a way which may be considered indecent.

When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background.

In situations where a distressed child needs comfort and reassurance through physical contact, staff and volunteers should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

Adults should seek the pupil's permission before initiating contact and be sensitive to any signs that they may be uncomfortable or embarrassed.

## 8. Staff-Pupil Relationships

Staff will observe proper boundaries with pupils that are appropriate to their professional position. They will act in a fair and transparent way that would not lead anyone to reasonably assume they are not doing so.

If staff members and pupils must spend time on a one-to-one basis, staff will ensure that:

- This takes place in a public place that others can access;
- Others can see into the room;
- A colleague or line manager knows this is taking place.

Staff should avoid contact with pupils outside of school hours if possible.

Personal contact details should not be exchanged between staff and pupils. This includes social media profiles.

While we are aware many pupils and their parents may wish to give gifts to staff, for example, at the end of the school year, gifts from staff to pupils are not acceptable.

If a staff member is concerned at any point that an interaction between themselves and a pupil may be misinterpreted, or if a staff member is concerned at any point about a fellow staff member and a pupil, this should be reported in line with the procedures set out in our child protection and safeguarding policy.

### **Infatuations and 'crushes'**

All staff and volunteers need to recognise that it is not uncommon for a child or young person to be strongly attracted to an adult who works with them and/or develop a 'crush' or infatuation. They should make every effort to ensure that their own behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.

Any member of staff or volunteer who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a child or young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the Headteacher. Appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

### **Sexual contact**

It is an offence for a person over 18 to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. This applies where the child is in full-time education and the person works in the same establishment as the child, even if they do not teach the child. The sexual activity referred to does not just involve physical contact it may also include non-contact activities.

Any sexual activity between an employee and a child or young person with whom they work may be regarded as a criminal offence and will always be a matter for disciplinary action.

## **9. Communication and Social Media**

Staff should be aware of and comply with the Schools e-safety policy.

### **Interactions with pupils**

School staff's social media profiles should not be available to pupils. If they have a personal profile on social media sites, they should not use their full name, as pupils may be able to find them. Staff should consider using a first and middle name instead, and set public profiles to private.

Staff should not attempt to contact pupils or their parents via social media, or any other means outside school, in order to develop any sort of relationship. They will not make any efforts to find pupils' or parents' social media profiles.

Staff will ensure that they do not post any images online that identify children who are pupils at the school without their consent.

### Use of personal social media

Staff should not use social media to defame or disparage the Trust, its staff, pupils or parents, affiliates, partners, suppliers, vendors or other stakeholders.

Staff are not permitted to upload photographs or images taken in the workplace or in any work-related context, including images of themselves or colleagues, without prior authorisation. This includes photographs where the Trust can be identified, for example through uniforms, ID badges or lanyards. Staff should not take or share personal photographs while wearing Trust identification or whilst on Trust premises. No defamatory comments, photographs, images or conversations about the Trust should be made on such sites at any time.

Staff should never provide references for other individuals on social or professional networking sites, as such references, positive and negative, can be attributed to the Trust and create legal liability for both the author of the reference and the organisation.

### Use of school social media

If a staff member's duties require them to speak on behalf of the Trust in a social media environment, they must still seek express written approval for such communication from the Headteacher or CEO in advance, who may require that they undergo training before they do so and impose certain requirements and restrictions with regard to their activities.

Likewise, if a staff member is contacted for comments about the Trust for publication anywhere, including in any social media outlet, they must direct the inquiry to the Headteacher or CEO and must not respond without advanced written approval.

## 10. Acceptable Use of Technology

Staff will not use technology in school or belonging to the school to view material that is illegal, inappropriate or likely to be deemed offensive. This includes, but is not limited to, sending obscene emails, gambling and viewing pornography or other inappropriate content.

Staff will not use personal mobile phones and laptops, or school equipment for personal use, in school hours or in front of pupils. They will also not use personal mobile phones or cameras to take pictures of pupils.

The Trust reserves the right to monitor emails and internet use on the school IT system.

Staff will at all times comply with the Trust's acceptable use policy.

The Trust's approach to the use and monitoring of technology is carried out in accordance with the UK General Data Protection Regulation (UK GDPR) the Investigatory Powers Act 2016 and relevant provisions of the Education Act 2011.

## 11. Confidentiality

In the course of their role, members of staff are often privy to sensitive and confidential information about the school, staff, pupils and their parents.

This information should never be:

- Disclosed to anyone unless required by law or with consent from the relevant party or parties;
- Used to humiliate, embarrass or blackmail others;
- Used for a purpose other than what it was collected and intended for.

This does not overrule staff's duty to report child protection concerns to the appropriate channel where staff believe a child has been harmed or is at risk of harm, as detailed further in our child protection and safeguarding policy.

Staff are not allowed to make any comment to the media about the school, its performance, governance, pupils or parents without written approval. Any media queries should be directed to the Trust Executive Leadership Team.

All staff comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)

## **12. Honesty and Integrity**

Staff should maintain high standards of honesty and integrity in their role. This includes when dealing with pupils, handling money, claiming expenses and using school property and facilities.

Staff will not accept bribes. Gifts should be handled with in compliance with the gifts and hospitality policy.

Staff will ensure that all information given to the school is correct. This should include:

- Background information (including any past or current investigations/cautions related to conduct outside of school);
- Qualifications.
- Professional experience.

Employees must not misuse or misrepresent their professional position, qualifications or experience, nor should they falsify a reference.

Where there are any updates to the information provided to the school, the member of staff will advise the school as such as soon as reasonably practicable. Consideration will then be given to the nature and circumstances of the matter and whether this may have an impact on the member of staff's employment.

Employees are required to declare to their Line Manager, any pecuniary interests which could conflict with the Trust's interests, including any Directorships or equivalent position, which they may hold.

Deliberately giving false information on claims such as mileage, travel/subsistence allowances, self-certification forms or attendance records will be deemed as fraud. All documents/forms/records should be completed honestly.

Activities/private interests/outside employment, which employees may participate in when they are not at work, must not bring the Trust into disrepute. Employees should not put themselves in a position which could result in public confidence in the Trust being weakened.

This is supported by the Fraud Act 2006 and the Bribery Act 2010, which set out offences relating to fraud, corruption and the misuse of position.

### **13. Recruitment**

The Trust is committed to ensuring that all recruitment practices are conducted in a fair, lawful manner, with safeguarding at the forefront of all appointment decisions.

In line with the School Staffing (England) Regulations 2009, the Trust will carry out appropriate pre-employment checks to ensure that all individuals appointed to work within the Trust are suitable to do so.

The Trust operates in accordance with the Police Act 1997, which governs the use of Disclosure and Barring Service (DBS) checks. All staff, volunteers and relevant third parties will be subject to the appropriate level of DBS check, in line with statutory guidance and the nature of their role.

Under the Rehabilitation of Offenders Act 1974 (Exceptions Order), roles within education are exempt from the standard provisions relating to spent convictions. This means that applicants are required to disclose certain convictions, cautions and other relevant information that would not normally be disclosed for other types of employment. This information will be considered fairly and in line with safeguarding requirements.

The Trust will also ensure compliance with statutory safeguarding guidance, Keeping Children Safe in Education, and maintaining a Single Central Record of pre-employment checks as required.

All staff have an ongoing responsibility to inform the Trust of any changes to their circumstances that may affect their suitability to work with children, including any relevant criminal convictions, cautions or investigations.

Failure to disclose relevant information or comply with safer recruitment requirements may result in disciplinary action and/or referral to appropriate external agencies. Including Disclosure and Barring Service (DBS) and where appropriate the Teaching Regulation Agency (TRA)

If employees are involved in recruitment and selection, they are expected to ensure that all appointments are made strictly on the basis of merit in accordance with the Trust's recruitment and selection process. Employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them.

Any reference provided by a Line Manager in relation to another employee on behalf of the Trust, whether it is written or verbal, should be factual and give an honest representation of the experience, skills, abilities and/or other qualities of that employee.

### **14. Working within the Law**

Employees have a duty at all times to uphold the law.

Teaching is a notifiable occupation, which means that the police report any conviction or caution given to a teacher to the Department for Education (DFE). Offences involving a risk of harm to children or to vulnerable adults are considered by the Disclosure and Barring Service (DBS) All other convictions and cautions are passed to The Teaching Agency which has a role in determining if a caution or criminal offence is relevant to a teacher's registration.

An employee should inform their Line Manager if they are charged with any offence, including driving offences and if they receive any criminal conviction. The Line Manager will then consider if any follow up action is necessary and decide if the matter should be referred and considered at a disciplinary hearing. Some offences would be classed as serious and would fall under the definition of gross misconduct.

Employees must comply with the requirements of statutory bodies relating to the examination, assessment and evaluation of pupil achievement and attainment. They must not alter, falsify, or add to; scripts for assessments, and should not provide unauthorised photocopies of forthcoming examination papers to students.

Staff must comply with all relevant legislation and statutory guidance as set out in this policy, including safeguarding, employment, equality, data protection and health and safety requirements.

The Trust's financial practices are governed by the Academy Trust Handbook, which sets out requirements for regularity, propriety and the proper use of public funds.

## **15. Conduct Outside of Work**

Staff will not act in a way that would bring the school, or the education profession, into disrepute. This covers conduct including but not limited to relevant criminal offences, such as violence or sexual misconduct, as well as negative comments about the school on social media.

### **Work-related social events**

A work-related social event is considered to be an extension of the workplace. As such, all employees are expected to maintain the same standards of professional conduct and behaviour as they would during normal working hours. This includes treating colleagues, clients, and any third parties with respect and courtesy, adhering to the Trust's policies on conduct, equality, and safeguarding, and ensuring that their actions do not bring the organisation into disrepute.

Employees should remain mindful of their behaviour at all times, including when consuming alcohol, and must not engage in inappropriate, offensive, or discriminatory conduct. Any breach of expected standards during work-related social events may be treated as a disciplinary matter in accordance with the Trust's procedures.

### **Other employment**

Staff may undertake work outside school, either paid or voluntary, provided that it does not conflict with the interests of the Trust nor be to a level which may contravene the working time regulations or affect an individual's work performance in the school. It is recommended

that permission is sought in advance. This is in line with the Working Time Regulations 1998, which govern working hours, rest periods and employee wellbeing.

### **Membership of organisations**

Employees should ensure that their membership or involvement with any external organisation does not lead to an actual or perceived whether due to its nature or because it is in the public domain ' conflict of interest with their position as an employee of the Trust, or conflict with the Trust's policies/objectives or damage to the Trust's reputation. It is important to avoid any perception that advice, guidance, or decisions for which they are responsible could be influenced by their membership of a particular organisation. This does not apply to membership of a trade union.

## **16. Working with Trust Money and Property**

Employees should ensure that they use Trust funds entrusted to them in a responsible and lawful manner.

Financial, Procurement and Accounting procedures within the Trust should be followed at all times.

The Trust's property such as stationery, photocopiers etc. may be used for Trust business only, unless permission has been given for other use.

Employees should ensure that they follow the Trust's security procedures in relation to the use of computers and the proper management of computer held information. Particular care must be taken to observe established procedures when using passwords and logging on and off. Employees should never share a password or similar security device that may lead to unauthorised access to the Trusts systems or property. Nor should an employee use any default, or easily guessable password on any Trust device.

Trust property, such as laptops, mobile phones, or credit cards, should be treated carefully so as to not cause damage, and stored securely to avoid instances of theft and loss of information. Trust property which may be of interest to thieves should never be left in a vehicle unattended.

Employees should return any property or equipment which they have been allowed to borrow by the Trust as soon as they leave their job or when requested by their Line Manager.

Employees must not undertake the unauthorised use of any Trust premises for personal use at any time.

## **17. Health and Safety**

Employees must adhere to the Trust's Health and Safety policy and must ensure that they take every action to keep themselves and everyone in the Trust environment safe and well.

This includes taking immediate safety action in a potentially harmful situation (either at school or off-site) by complying with statutory and Trust guidelines and collaborating with colleagues, agencies and the Local Authority.

An employee should use any safety clothing and equipment provided by the Trust that is needed in their role and ensure that the equipment is not misused, neglected, or damaged.

An employee must report any accident or “near misses” they have at work as soon as possible and accurately complete an accident report form, this includes verbal and physical assaults.

This is underpinned by the Health and Safety at Work etc. Act 1974 and the Management of the Health and Safety at Work Regulations 1999, which place duties on both the Trust and employees to ensure a safe working environment.

## **18. Smoking and Substance Use**

Smoking is strictly prohibited anywhere on or in Trust premises and during staff’s normal hours of work for the Trust. This includes any vehicles owned or used by the Trust. This includes the use of e-cigarette which are equally prohibited.

Staff are expected to arrive at work fit to carry out their job and to be able to perform their duties safely without limitations due to the use or aftereffects of alcohol or drugs (whether prescribed, over the counter or illegal).

The Trust will not accept employees arriving at work under the influence of alcohol or drugs, and/or whose ability to work is impaired in any way by reason of the consumption of alcohol or drugs, or who consume alcohol or take drugs (other than prescription or over the counter medication, as directed) on our premises.

Staff must not drink alcohol during the normal working day, at lunchtime or at other official breaks. Drinking alcohol while at work without authorisation or working under the influence of alcohol maybe considered serious misconduct.

The Trust will refuse entry to, and to send home, any staff member who is considered to be intoxicated.

The Trust expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on Trust premises, in Trust vehicles or at a Trust function, they will be regarded as serious. They will be investigated in accordance with the Disciplinary Procedure and may lead to disciplinary action and reporting to the police.

This section reflects the requirements of the Misuse of Drugs Act 1971, which makes it a criminal offence to possess, use or supply controlled Drugs.

## **19. Dress Code**

Staff will dress in a professional, appropriate manner, in line with their School Handbook.

Clothes will not display any offensive or political slogans. Those who dress or appear in a manner which could be viewed as offensive, inappropriate or provocative will render themselves vulnerable to criticism or allegation.