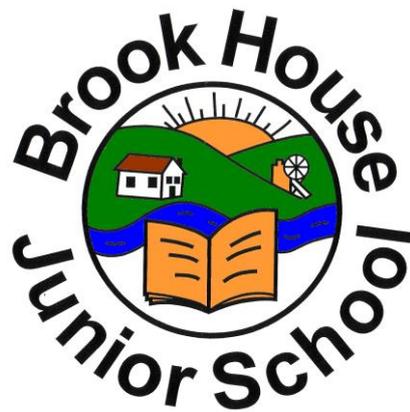


Brook House Junior School



Code of Conduct Policy

September 2018

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1. Introduction

- 1.1 This Code of Conduct is based on key principles arising from the work of the Nolan Committee on standards in public life; it outlines the minimum standards that all teaching staff (including Headteachers and Deputy Headteachers), support staff, casual workers, agency staff and persons working for a contracted service or on a voluntary basis with our children and/or on school premises must adhere to.
- 1.2 Employees must comply with this Code as it forms part of their terms and conditions of employment. Any supplementary codes of practice on employee conduct issued by the Governors must also be complied with.
- 1.3 The Governors believe that employees are responsible for their actions. It is the responsibility of employees to read the Code. If any of the provisions contained within this Code of Conduct, related codes of practice or security policies are not fully understood employees must, in their own interests, seek clarification from their Headteacher/line manager or Education Human Resources.
- 1.4 This Code does not contain a comprehensive list of acts of misconduct. There may be other acts of commission or omission committed by employees that the Headteacher and/or Governors may also view as misconduct and/or gross misconduct.
- 1.5 Pupils, colleagues, parents/carers and governors expect the highest standards of behaviour from school employees. Employees must not put themselves in a position where their honesty or integrity could be called into question. The Governors reserve the right to monitor their employees, including surveillance, in accordance with relevant legislation such as the Regulatory and Investigatory Powers Act, Data Protection Act and Human Rights Act to ensure that the provisions of this Code of conduct are adhered to.
- 1.6 Failure to observe this Code of Conduct, failure properly to perform employee duties, serious misconduct or criminal offences committed during or outside working hours which bring the employee, school or the LEA into disrepute may result in disciplinary action being considered, including the possibility of dismissal without notice.
- 1.7 Employees who are seconded to work in another School or organisation are expected to conduct themselves in a manner consistent with this Code of Conduct and in a way which meets

the requirements of the School or organisation to which they have been seconded.

- 1.8 The Code is compatible with the conventions contained in the Human Rights Act.

2. Public Duty, Private Interest, Fraud And Theft

2.1 General

- An employee's school duty and private interests must not conflict. Employees must declare any private interests relating to their school duties.
- Employees must not behave in a way that could place pupils, their colleagues, or themselves at risk, and must have regard to the duty of care described in the LEA and school Health and Safety Policies and act in accordance with safe systems of work and codes of practice.
- Employees must declare in writing to Governors, membership of any secret societies or organisations not open to the public that requires formal membership and oaths of allegiance and which has secrecy about rules, membership or conduct.
- The Governors acknowledge the responsibility they have for the administration of public funds, and emphasise to the public and employees the importance placed on probity, financial control, selflessness and honest administration. The Governors are also committed to the fight against fraud, whether perpetrated by employees, contractors or the public. School employees must not use their position to obtain gain for themselves, business associates, friends or family either directly or indirectly. Guidance for Governors, Headteachers and Managers on the conduct of enquiries into Theft, Fraud or Corruption are enclosed in Appendix A.
- Employees must use public funds responsibly and lawfully. They must work to ensure the school uses its resources prudently and within the law and that the local community gets value for money. The School's Financial Procedures and Regulations and, where appropriate the City Council's Standing Orders and Financial Framework must be observed.
- Defrauding and stealing (or attempting to do so) from the school or any person or organisation in any way will not be tolerated. This includes deliberate falsification of

claims, e.g. time sheets, mileage and travel/subsistence allowances with the intention of obtaining payment.

- The Governors require employees to report genuine concerns relating to potential fraud, theft or unethical behaviour to their Headteacher/Governors. Alternatively, or in addition, employees can contact any person or organisation named in the LEA Whistleblowing Procedure for Schools or within the school's own Whistleblowing Procedure.
- The Governors acknowledge that employees may not find it easy to 'blow the whistle' or report irregularities and will give them full support in raising such concerns. Every effort will be made to respect an employee's request for anonymity. However, employees are expected to demonstrate accountability and to co-operate fully with any scrutiny appropriate to their position.
- There are two sides to every story and the Governors will give people a fair hearing. It is possible, however, that some allegations will turn out to be mistaken. Deliberately false or malicious allegations will be treated as misconduct.

2.2 Financial Inducements, Gifts and Hospitality

- On no account must an employee accept a financial payment or other inducement from any person, body or organisation, e.g. contractors, developers, consultants, etc. Section 117 of the Local Government Act 1972, makes it an offence for an employee of a Local Authority to accept any fee, gift, loan or reward whatsoever, other than his/her proper remuneration.
- As a general rule, employees must refuse any gift or hospitality offered to them or their family that may be perceived to influence their judgement. Exceptions are gifts of negligible value that are usually given to a wide range of people, e.g. pens, diaries, calendars etc. and small gifts from children. Offers of hospitality must only be accepted when proper written authorisation has been received from the Headteacher or Chair of Governors.

2.3 Employee Declarations of Financial and other interests

- All LEA and school employees have a statutory duty to declare any financial or other interest in any existing or

proposed contract or an interest in, or association with, any organisation, services, activity or person that may cause a direct or indirect conflict of interest with their LEA and school employment. Private interests preclude employees from participation in any such activities. All employees must abide by these regulations. Employees with such a conflict of interest must tell their Headteacher/Chair of Governors in writing either by letter or on appropriate school documentation. The Headteacher/Chair of Governors will inform the Council's Monitoring Officer (see Appendix B), and make alternative arrangements so that an employee is not involved, or, where the employee's skills are required, ensure appropriate supervision is provided so that undue influence or bias to the employee's advantage is prevented.

- Where an employee makes representations, or applies for services in which they have significant influence by virtue of their employment position, on behalf of a relative, colleague, friend or some other person with whom they have a close relationship, they must declare a personal interest.
- Employees are entitled to use all of the services of the LEA and the school as appropriate but in doing so they will receive neither favour nor suffer discrimination or disadvantage. Employees must be aware at all times that members of the public expect the highest standards of fairness and equality to be upheld in the administration of services regardless of recipient. They have a responsibility to ensure that they conduct themselves in a manner which does not bring into question either their integrity or their motivation. At no time should they attempt to exert any pressure to obtain services because of their position or to access services other than through those channels available to members of the public. It is for these reasons they should ensure that personal interests are declared.
- Employees must, where there is a potential conflict of interest, seek advice from their Headteacher/Chair of Governors as to the course of action they should take.
- Declarations made by employees under the provisions of this Code of Conduct will be reviewed annually by the Headteacher. Any personal declarations made by the Headteacher will be reviewed annually by the Chair of Governors.
- The Headteacher/Chair of Governors is responsible for the monitoring of employee's activities in accordance with

the provisions/declarations of this Code of Conduct and related Codes of Practice. Any such monitoring will comply with relevant legislation such as the Regulatory and Investigatory Powers Act, the Data Protection Act and the Human Rights Act.

3. Relationships with Prospective or Current Contractors

- 3.1 If employees engage or supervise contractors, have an official relationship with contractors or a potential contractor, and have previously had or currently have a relationship in a private or domestic capacity with a contractor, employees must declare that relationship to their Headteacher/Chair of Governors.
- 3.2 All orders and contracts must be awarded on merit, by fair competition against other tenders. Employees must exercise impartiality and no favouritism must be shown to businesses run for example by friends, partners, relatives or business associates. No section of the community should be discriminated against in the tendering, evaluation and award processes.
- 3.3 Employees who are privy to confidential information on contracts for tender, or costs for either internal or external contractors, must not disclose that information to any unauthorised party or organisation.

4. Information Technology and Data Security

- 4.1 Employees must ensure that they follow the LEA and school 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 when logging on and off. Employees must never share passwords, which may lead to unauthorised access to school systems. Where this practice is found, employees should be aware it may lead to disciplinary action.
- 4.2 In respect of internet and intranet access, employees must comply with LEA and School Policies such as the Internet and E-mail Usage Policy and Electronic Communication Systems Policy, and relevant legislation such as the Regulatory and Investigatory Powers Act, Data Protection Act, Obscene Publications Act, Computer Misuse Act and the Theft Act.

5. Use of School Systems, Property and Facilities

- 5.1 The school's property such as telephones, mobile phones, the internet, intranet, e-mail, stationery, photocopiers, word processors and other machines or tools, materials, offices, car parks and facilities, may only be used for school business unless permission for private use is given by the Headteacher/governors. This also applies to all automatic processing equipment such as laptops, PC's, software including computer games and data, none of which may be used for private purposes or removed from the premises without the express permission of the Headteacher/governors in writing.
- 5.2 Employees will be required to pay for telephone calls using land lines or mobile phones, or the use of facsimile equipment, for private purposes, through the approved systems in place for the collection of such monies. Employees will be expected to keep calls to a minimum level and Headteachers/governors will have the discretion to determine what is, or is not excessive.
- 5.3 Telephone call and e-mail/internet logging systems may be used to identify usage for private purposes. Use of mobile telephones including text messaging on mobile phones provided for work use must only be used for private purposes in an emergency. Any communications using Council or school systems may be monitored. Any such monitoring will be in accordance with the law and Council Policy.
- 5.4 Employees must adhere to all of the school's specific system security measures that are currently in place or introduced in the future.

6. Secondary Employment

- 6.1 Any secondary employment undertaken must not conflict with the school's interests or bring it into disrepute and must only be undertaken outside the employee's working hours.
- 6.2 If an employee chooses to declare secondary employment, this does not remove the right of the Governors to take disciplinary action against any employee whose secondary employment is deemed to be, or has been, detrimental to the interests or reputation of the school.
- 6.3 Employee appointments as School Governors, Councillors, Trade Union officials, membership of the Territorial Army, appointment as a Justice of the Peace or as a Member of the Employment Tribunal do not constitute secondary employment as described in this Code. Nonetheless the principles of employees making Headteacher/Chair of Governors aware of

these duties and seeking appropriate time off in a reasonable and timely manner apply.

7. Disclosure of Information, Confidentiality and References

- 7.1 Employees should be fair and open when dealing with others and ensure that they have access to the information they need unless there is a good reason not to permit this.
- 7.2 Employees must act in accordance with, and observe, the law in handling all personal and other information. Special care must be taken in handling personal and confidential information, which must in no circumstances be inappropriately used. Employees may be personally prosecuted for offences under the Data Protection legislation. If any employee is in doubt about their responsibilities, they must consult their Headteacher/Chair of Governors or the City Council's Monitoring Officer (see Appendix B). The Council also has a Data Protection and Security Officer who can help.
- 7.3 Confidential, personal or financial information about any employee, pupil or parent/carer, must not be disclosed to any unauthorised person, or normally, to any external organisation/agency, without the express approval of the person concerned. Employees seeking clarification about 'authorised' or 'unauthorised' persons should seek the guidance of Education Human Resources.
- 7.4 Employees must not abuse their position by disclosing confidential information to any third party,. This will include the unauthorised release of confidential information regarding:
- competitive tendering or tendering for work which may be beneficial to a third party
 - exempt items under the provisions of the Local Government (Access to Information Act) 1985;
 - an employee/elected member or service user;
- 7.5 Employees must not use any information obtained in the course of their employment or tenure for personal gain or benefit or to attempt to obtain personal gain, nor pass it on to others who might use it in such a way.
- 7.6 If during the course of their employment employees are dealing with members of their family, partners, friends or business associates this must be declared to their Headteacher/Chair of Governors as set down in sections 2.13 to 2.18 of this Code.

Where such contact occurs, employees must be impartial and act in a professional manner.

8. Communications with the Media

- 8.1 It is LEA Policy that all media liaison relating to LEA/school activities is handled by the Communications Service in conjunction with Headteachers and Chair of Governors. If an employee has ideas for positive stories about the School's activities or is approached by a journalist they should refer to the Headteacher or Chair of Governors before any information is given verbally, via e-mail or in writing. In exceptional circumstances (e.g. field trips) where the Headteacher or Chair of Governors is not available the member of staff in charge may assume authority.
- 8.2 Where an employee is writing material for publication which does not refer specifically to the LEA or the School, but does relate to his/her profession/occupation e.g. articles in professional journals, the employee should notify his/her Headteacher/Chair of Governors prior to publication.

9. Political Neutrality

- 9.1 Employees must not allow their personal or political opinions to interfere with their work. Support staff who are employed in posts paid on spinal point 44 or above, are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work (Local Government Officers (Political Restrictions) Regulations, Local Government Housing Act 1989). The details of these restrictions and rules for claiming exemption are contained in the relevant employees' contracts of employment. If any employee is in any doubt about their position, or whether any activity is political activity and covered by these rules, they should seek advice from the Headteacher. **All teachers, including the Headteacher, are exempt from these restrictions.**
- 9.2 Whilst engaged in School business employees must not wear or display on their person, vehicle or items such as tools and equipment, objects indicating affiliation with or opposition to any political party or related pressure group.

10. The School Community and Service Users

- 10.1 Employees must always remember their responsibilities to the users of the school and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.
- 10.2 Employees are expected to be as open as possible about their actions and the work of the school notwithstanding the needs of confidentiality.
- 10.3 Employees must always act in a way that preserves public confidence in the school.
- 10.4 Employees have a duty at all times, to uphold the law and relevant guidance bearing in mind the public's trust placed in school employees.
- 10.5 The Governors will not tolerate an employee's physical or emotional abuse, harassment, discrimination, victimisation or bullying of employees, pupils, governors, parents/carers contractors or other members of the public. Such actions may be deemed to be misconduct or gross misconduct and may result in disciplinary action including dismissal. The School has a Harassment, Discrimination, Victimisation and Bullying Policy with which employees must comply at all times.
- 10.6 Employees working with children and young people are in a particular position of great trust. Any breach of that trust, assault or sexual misconduct or breach of policies and procedures meant to safeguard pupils, will be regarded as potential gross misconduct. This may lead to disciplinary action including the possibility of dismissal without notice.
- 10.7 Employees, agency staff, contract service personnel and volunteers who work with children and young people must, in their own interests read the LEA codes of practice and conduct in conjunction with this School Code Of Conduct and must observe current legislation including the Children Act 1989 and the LEA Child Protection Procedures.
- 10.8 Any incidents involving assault, sexual offences or harassment, discrimination or victimisation against pupils, must be dealt with under the LEA Child Protection Guidance and Procedures (Children Act 1989) and may be reported to the police.
- 10.9 Employees who witness any abusive behaviour have a duty to report it to their Headteacher/Chair of Governors or to 'blow the whistle' (refer to school Whistleblowing policy).

11. Recruitment and other Employment Matters

- 11.1 In accordance with the LEA and school Equalities Policy, employees must take care that they are not open to any charge of discrimination in recruitment or employment practices, by fully adhering to the LEA and school's Recruitment and Selection Code of Practice.
- 11.2 To avoid any possible accusation of bias, employees must not be involved in selection and appointment processes where they are related to an applicant or have a close personal or business relationship with them. They should declare an interest where there is a potential conflict of interest in such cases.
- 11.3 Work decisions should be objective and always based on merit. Employees must not be involved in decisions relating to discipline, promotion or pay for any employee who is a relative, or with whom they have a close personal or business relationship. Staff governors must not be involved with matters relating to pay and should not normally be involved in any other employment matters.
- 11.4 If there are exceptional reasons why 11.1 to 11.3 should not be complied with, or any doubt as to how to proceed, advice must be sought from Education Human Resources before acting.

12. EQUALITIES

- 12.1 Employees must ensure that they adhere to the LEA and school's equalities policies and to all related legal requirements, such as the Race Relations Act, Sex Discrimination Act, Disability Discrimination Act and the Human Rights Act.
- 12.2 All employees, pupils, governors, parents/carers contractors, partners, trade union representatives and members of the public must be treated equally and in a way that creates mutual respect, they must not be discriminated against on grounds of race, gender, disability, age, religion or sexual orientation. At all times employees must comply with the school's Harassment, Discrimination, Victimisation and Bullying Policy.

13. DRESS AND PERSONAL APPEARANCE

- 13.1 School employees act as ambassadors for the school and must maintain a standard of dress and appearance that is appropriate or required for the workplace and to the work being undertaken. Employees must be clean and tidy and ensure good personal hygiene. Where particular clothing is provided for health, safety and hygiene and/or uniform purposes it must be worn. This includes name badges, where agreed via school policy and consultation.

14. HEALTH AND SAFETY

- 14.1 Employees have a general and statutory responsibility to work in a healthy and safe manner and to maintain healthy and safe working environments. Employees are required at all times to observe and work to LEA and school Health and Safety Policies and in accordance with safe systems of work, regulations and codes of practice, and relevant Health and Safety law.

15. CRIMINAL CONVICTIONS

- 15.1 Where an employee's job is covered by the Rehabilitation of Offenders Act 1974, they must disclose all convictions which are not "spent" both before commencement of, and during employment. They must also disclose all convictions (including those "spent" under the Rehabilitation of Offenders Act 1974) when the employee is employed in a post covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Orders 1975 and 1986. Failure to disclose such convictions and to comply with any of the above constitutes possible gross misconduct and may result in disciplinary action including the possibility of summary dismissal without notice.
- 15.2 Employees whose work involves driving must declare any motoring offences to their Headteacher/Chair of Governors.
- 15.3 Employees who have access to children or young people as part of their work are absolutely required to report any convictions whatsoever to their Headteacher/Chair of Governors.
- 15.4 Employees must inform their Headteacher/Chair of Governors of any pending criminal proceedings against them and subsequent convictions.

16. DRUGS AND ALCOHOL

- 16.1 School employees must attend work in a condition to undertake their duties in a safe manner.
- 16.2 The consumption of alcohol or illegal drugs impairs performance and may constitute a health and safety risk and interfere with that person's health and/or work performance. Where it is evident during working time or on school premises that a person is under the influence or has detectably taken alcohol or drugs or there is other substantial reason to believe this to be the case this will be regarded as potential gross misconduct. If the person has

previously declared a substance related problem this will be dealt with under the appropriate policy.

- 16.3 The Governors believe that consuming alcohol during working time or on school premises is inappropriate and may be regarded as an act of misconduct. Exceptions to this will be agreed in advance and notified to staff by the Headteacher/Governors for events such as staff end of term gatherings and PTA functions.
- 16.4 Likewise the use of illegal substances will not be tolerated and may result in the Headteacher/Chair of Governors reporting the matter to the police.

17. GENERAL CONDUCT

- 17.1 Employees must obey lawful instructions and always act in a way that will not adversely affect the school's legal position. Employees are expected to promote the principles contained in the Code of Conduct by self-example and to demonstrate respect for others.
- 17.2 The Governors expect school employees to exercise sound personal judgement, to take account of the views of others and to take individual responsibility to decide a personal view on any issue arising in the course of their employment.
- 17.3 Employees requiring further information or requiring advice concerning the appropriate course of action to adopt in any situation, should contact their Line Manager, Headteacher, Chair of Governors or Education Human Resources.
- 17.4 This Code of Conduct should be read in conjunction with its appendices and with any other school codes of practice or policies that relate to employee conduct and/or workplace or system security policies and procedures.

18. DATE OF IMPLEMENTATION

This Code of Conduct applies to all school employees with effect from 1st September 2018

The Code of Conduct and Guide will be kept under review in the light of recommendations and guidance issued nationally in relation to standards of conduct in public life and revised as necessary.

THEFT, FRAUD AND CORRUPTION

Guidance to Governors, Headteachers and Managers

Introduction

Pupils, parents/carers, colleagues, governors, members of the public and Council Officers are entitled to expect the highest standards of conduct and integrity from employees of the School. The School needs to ensure that where there are concerns about theft, fraud and corruption, these are properly investigated in order to ensure that confidence in the School is maintained.

The following framework provides guidance to staff, managers and the Headteacher to ensure that a consistent approach is adopted in the conduct of enquiries into apparent theft, fraud or corruption whoever is involved. This is necessary in order to ensure that the interests of the School are safeguarded and to ensure that confidence in the integrity of the School is maintained.

Reporting Identified Concerns

Where concerns arise involving potential theft, fraud or corruption it is the responsibility of the member of staff to bring these concerns to the attention of their manager/Headteacher/Chair of Governors.

It is a management responsibility to both prevent and detect fraud and to determine what further action to take. Under the City Council's Financial Regulations, the City Treasurer must be notified immediately when circumstances indicating the possibility of irregularity in cash, stores or other property of the School is discovered and in order to facilitate this the matter must, on discovery, be reported to Education Human Resources by the responsible manager/Headteacher/Chair of Governors, who will report the matter to the Head of Internal Audit.

Investigating the Concerns

Initial enquiries should always be made into the circumstances of apparent theft, fraud or corruption. It should be recognised at this stage the enquiries do not form part of the School's Disciplinary Procedure but should be designed to establish whether or not there is sufficient reason to believe that an irregularity has occurred.

Education Human Resources will ask the Head of Internal Audit for advice on the conduct of these enquiries including the appropriateness of seeking early, informal advice from the police.

A good practice is for the investigation to be carried out by a team under the guidance of a lead officer and to draw up a clear action plan against which subsequent progress should be monitored and reviewed.

The composition of the enquiry team will depend on the nature of the concerns under investigation. In some cases enquiries should be made by a team independent from the immediate management structure. For example, by the Council's Internal Audit staff or by the External Auditor. Education Human Resources will ask the Head of Internal Audit to advise on these matters.

The Manager/Headteacher/Chair of Governors must ensure that proper evidence is obtained by the enquiry team to support decisions which may need to be made on further action. Care should be taken to secure any records which may provide evidence in order to prevent these from being destroyed or amended.

Depending on the nature of the concerns raised the enquiries may need to take account of other spheres of activity of the work of contractors or Council Officers.

Disciplinary Action

If as part of the initial enquiries it is considered that an act of theft, fraud or corruption has been committed against the School, under the School's Code of Conduct disciplinary action must be considered.

Advice should be sought from Education Human Resources on the process to be followed, including suspension of the employee where appropriate, in accordance with the terms of the School's disciplinary procedure.

Suspension of an employee must only be carried out by the Governors or the Headteacher (or as delegated by the Board of Governors). Those involved in the investigation process must not be those who may subsequently be called upon to hear the case or the appeal as part of the disciplinary process.

The burden of proof required under the School's disciplinary procedure is significantly different to that required for a criminal prosecution. It should be remembered that the manager/Headteacher/Chair of Governors need reasonable grounds amounting to a genuine belief in the employee's guilt at the time of dismissal, and not proof beyond all reasonable doubt as required in criminal prosecutions.

Consequently it should be recognised that internal disciplinary action can take place completely separately from the police enquiries and should not be seen

as being dependent on the successful outcome of a criminal prosecution. Police investigations should not, therefore, necessarily frustrate or delay an internal disciplinary investigation or hearing.

Notification to the Police

As soon as the enquiries indicate that a crime may have been committed the circumstances should be reported to the police. Education Human Resources will ask the Head of Internal Audit for advice about this process.

The police should be given every assistance with any subsequent enquiries of their own including notification of any further information or evidence that is discovered. The investigation must not be conducted in such a way which would adversely impact upon the police enquiries.

In exceptional cases evidence obtained in interviews as part of the investigation may become relevant to a potential criminal prosecution. In these circumstances advice should be sought from Education Human Resources on the safeguards and legal issues involved.

Notification to the External Auditor

The Council's External Auditor is entitled to and requires to be informed about the identification of theft, fraud and corruption. Details of cases will be notified by Education Human Resources to the Head of Internal Audit who will notify the External Auditor.

Review of Arrangements

Following the investigation arrangements should be made to review the School's controls and procedures in order to assess whether the need for corrective action is required in order to prevent recurrence of the identified irregularity.

APPENDIX B

USEFUL CONTACT NUMBERS

Sheffield City Council		
Monitoring Officer	Mark Webster, Head of Legal and Administrative Services (City Solicitor)	273 4018
Deputy Monitoring Officer	Liz Bashforth, Assistant Head of Legal and Administrative Services	273 4019
Anti-fraud telephone hotline	Internal Audit	273 6060.
Schools Human Resources		
Interim Head of Schools Human Resources Service	Sue Kelsey	293 0880
Service Manager: Schools Consultancy	Anne Lowiss	293 0889
HR Consultants, Schools Consultancy	Please contact the HR consultant for your school: Debby Clark 07764 836169 Dyane Spencer 07764 836167 Linda Brown 07770 366790 Caroline Evans 07896 807707 Jo Perry 07768 235601 Sue Wood 07979 743833 Kim Jones 07769 934768 Penny Walters 07891 581836	
HR Advisers, Schools Consultancy	HR Advisory Line	293 0973

