

REVIEW OF SCOTLAND'S COLLEGES
WORKING GROUP: STAFFING, LEARNERS & LEARNING ENVIRONMENTS
CODE OF PRACTICE

Purpose

1 Members will be aware that the SLALE sub group was tasked with developing, and considering the possible dissemination of, a code of practice for all staff.

2 SFEU and HMIE colleagues helpfully prepared an interim report on this issue which was discussed by the sub group at their September meeting. Following that discussion, this paper outlines the sub group's suggested recommendations regarding the development and possible dissemination of a code of practice for all staff.

Background

3 The Executive undertook a consultation on the need for a professional body for staff in Scotland's Colleges in the autumn of 2004. Whilst the specific question in the consultation ("Should all registered members of the professional body be required to adhere to a Code of Ethics?") was predicated on the idea that a professional body would exist, and referred to a Code of Ethics rather than a Code of Practice, it would seem reasonable to surmise that the idea of some form of code relating to staff conduct would enjoy strong support across the College sector, as 88% of the 242 respondents answered the consultation question in the affirmative.

4 It was clear, moreover, from many of the consultation responses that it would have been helpful if a definition of the type and coverage of such a code had been set out. While many individual respondents used the words 'ethics' and 'practice' as though they were interchangeable, the two types of codes can be viewed separately. A code of ethics is a statement of the moral principles which underpin the delivery of a professional service, whereas a code of practice relates to legislative and regulatory issues, standards of conduct, best practices and commitment to continuing professional development.

5 It is worth noting that some corporate respondents took the view that it would be better to talk in terms of a code of practice or code of conduct because these are seen as being more inclusive and they relate directly to behaviour. It was also clear from the comments provided that many respondents were looking for practical guidance on matters relating to classroom management and on handling unfamiliar situations or new challenges presented by a more diverse range of learners.

6 The Executive subsequently commissioned SFEU to design awareness training and other guidance for college staff. SFEU published "Keeping Children and Young People Safe and Well – A Handbook for Child Protection Coordinators in

Scotland's Colleges"¹ earlier this year, which includes, at Appendix 5, a template code of conduct for Scotland's Colleges, albeit within the context of the subject area of the guidance

7 This guidance, we believe, gives a useful template for a code of practice, but should not be seen as covering all situations. It includes the following sections:

- Introduction;
- Values and Principles;
- Guidance and Support;
- Breaches in the Code of Conduct; and
- Monitoring and Review.

Research

8 Research conducted by SFEU and HMIE to inform their September paper (see para 2 above) highlighted the different understanding of what colleges believe is the purpose and value of codes of practices. The research sought to ascertain whether or not colleges currently have a code of practice.. The majority of the 14 Colleges which responded do have a formal code (alternative terms such as a code of conduct; staff charter and employment charter are also used, although their purpose and content would seem to be sufficiently aligned with the purpose of a code of practice noted at para 4 above).

9 The research also showed that codes of practices or their equivalent can exist at three levels:

- i Traditional professional;
- ii Employer expectations; and
- iii Specific circumstances.

Traditional professional

10 This covers situations where a professional body governs individual autonomy in particular occupations. Becoming a member of a professional body involves making a commitment to a code of practice or equivalent. In addition, the professional body will set out entry and experience requirements. Most modern professional bodies also take an interest in continuous professional development and maintenance of expertise through CPD can be a requirement for continuing membership.

11 The research highlighted that significant numbers of staff in Scotland's Colleges belong to such professional bodies eg in Finance and in HR. Membership of the relevant body is sometimes sought in recruitment and encouraged in staff development. In addition to indicating certain standards of performance, such membership is valued as public recognition of expertise and commitment in the relevant specialist area. Such staff operate to a professional code of practice or equivalent determined out with the specific workplace.

¹ http://www.sfeu.ac.uk/uploads/documents/Child_Protection_Coordinator_Handbook.pdf

12 Around a thousand members of lecturing staff in colleges are members of the General Teaching Council of Scotland and so operate within a code of practice incorporating (i) Professional Knowledge and Understanding, (ii) Professional Skills and Abilities and (iii) Professional Values and Personal Commitment.

13 The Higher Education Academy, while not a professional body, has developed a professional standards framework for teaching and supporting learning in higher education. This incorporates a set of professional values. Registration is voluntary and staff in FE Colleges supporting HE learners may apply.

Employer Expectations

14 Some employers have introduced codes of practice or equivalent to govern staff autonomy. These have been developed through consultative processes and have a status as part of contractual arrangements.

15 Returns from colleges indicated they had adopted this approach through a variety of different forms. This variety indicates the diversity of the sector, the different understanding of the place of code of practice and their value.

Specific Circumstances

16 A number of returns interpreted the request for code of practice to provide documents to cover specific circumstances. These are often necessary in order to deal with specific requirements. For example a code of practice may relate to the protection of under-18's and vulnerable adults or to professional conduct between staff and students

Recommendations

17 Having examined the research and following discussions the sub group believe that it is neither desirable nor feasible to impose an explicit code of practice (or equivalents) on Scotland's Colleges.

18 However, we do believe that it is right to encourage colleges to examine the need to develop, and keep under review, some form of code of practice (or equivalent). Some examples of what a code may encompass and what it may be used for are outlined in **Annex A**.

19. In addition, we believe that colleges should explicitly consider the importance of meeting the educational and welfare needs of learners as they introduce or review such codes.

20. We also noted that if colleges decide to draft a code of practice (or equivalent) it should be done, when appropriate, in consultation with staff, trade unions, management and boards of management.

**Scottish Executive
Review Team
November 2006**

ANNEX A

A Code of Practice or equivalent could be used to provide the following :

- ❖ An outline of the obligations and standards all staff can expect in respect of their employment with a specific college.
- ❖ A framework of principles, which is not intended to be exhaustive, which provides guidance on the expectations that college boards and principals' have on all staff employed by the college.
- ❖ A senior management code of conduct.
- ❖ A statement on expectations of staff and the expectations of managers in managing staff.
- ❖ An outline the explicit aspirations of a college in encouraging, involving and empowering all staff to achieve excellence within a professional and supportive environment. It could make clear the college's recognition of the importance of the development of an atmosphere of mutual trust and respect within the workplace.
- ❖ A statement of specific principles especially in relation to the Nolan Committee's Standards in Public Life in order to make decision-making process open and transparent.
- ❖ A statement of expectations, for example it could project the college's positive and professional image in their local communities.
- ❖ A commitment to provide staff with a positive and supportive work environment.

Areas commonly covered by existing codes of the 'traditional professional' and 'employer expectations' type include (please note that this list is not exhaustive):

Traditional professional

- Collegiality and partnerships;
- Conduct;
- Expertise;
- Inclusiveness;
- Legislation;
- Professional relationships;
- Responsibility; and
- Responsiveness to individual needs.

Employer expectations

- Canvassing;
- College Facilities;
- Communications;
- Confidentiality;
- Course materials;
- Discrimination;
- Expenditure;
- Harassment;
- Identification;
- Professionalism; and
- Suppliers.