



PHOENIX BAY

Policy Focus	Code of Conduct
Lead Policy Holder	R Banks - Principal
Designated Advisory Board	Jill Bainton
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Contents:

1	Introduction
2	Compliance
3	Disciplinary Action
4	Setting an example
5	Safeguarding Students
6	Relationships with students
7	Honesty and Integrity
8	Conduct outside of work
9	Employment outside of work
10	E-Safety and Internet use
11	Confidentiality
12	Low level concerns
13	Allegations of abuse towards staff
14	Dress Code

1. Introduction

This Code of Conduct is designed to give clear guidance on the standards of behaviour all Staff are expected to observe. Staff working in Phoenix Bay School are role models, are in a position of influence and must demonstrate behaviour that sets a good example to all students within the school. As a member of a school community, every employee has an individual responsibility to maintain their reputation and the reputation of the school, whether inside or working hours.

In adopting this policy, Phoenix Bay is committed to working towards creating a working environment in which all Staff are treated fairly, with dignity and respect and where unacceptable behaviour will not be tolerated.

This Code of Conduct applies to all Staff. This Code of Conduct does not form part of the contract of employment.

Casual and self-employed workers, agency staff and volunteers working in the school would be expected to observe the standards of behaviour set out in this document.

In addition to the Code of Conduct, all Staff engaged to work under Conditions of Service for School Teachers have a statutory obligation to adhere to the most recent "Teachers' Standards" – personal and professional conduct.

2. Compliance

- Staff must familiarise themselves and comply with all Phoenix Bay policies and procedures
- Staff must complete the form in Appendix 1 to confirm they have read, understood, and agreed to comply with the Code of Conduct. This form should then be signed and dated

3. Disciplinary Action

- Staff should be aware that a failure to comply with this Code of Conduct could result in disciplinary action, including to, but not limited to, dismissal

4. Setting an Example

- This Code of Conduct helps all Staff to understand what behaviour is and is not acceptable.
- Staff must not discriminate, harass, or victimise someone because they have or are perceived to have a protected characteristic as defined by the Equality Act 2010, or are associated with someone who has protected characteristics. Protected Characteristics are:
 - age
 - disability
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation.
- Staff must set good examples of behaviour and demonstrate high standards of conduct to encourage our students to do the same.
- Staff must avoid using inappropriate or offensive language at all times.
- Staff must avoid putting themselves at risk of allegations of abusive or unprofessional conduct.

5. Safeguarding Students

- Staff have a duty to safeguard pupils from physical abuse, sexual abuse, emotional abuse, verbal abuse and neglect.
- The duty to safeguard students includes the duty to report concerns about a student or colleague to the Designated Safeguarding Lead (DSL) for Child Protection.
- Staff must make themselves aware of the name of the current DSL. This information is available on notice boards in classrooms.
- Staff must take reasonable care of students under their supervision with the aim of ensuring their safety and welfare.
- Staff must never promise a student that they will not act on information that they are told by a student.
- Staff must read the schools Safeguarding and Child Protection Policy, DfE Keeping Children Safe in Education 2021 Part, E-Safety, Social Media and Mobile Phone Policy and Whistleblowing Policy.
(Staff must complete the form in Appendix 1 to confirm they have read and understood and will comply with these policies. This form should then be signed and dated)

6. Relationships with Students

- Staff must declare any relationships that they may have with students outside of Phoenix Bay school; this may include mutual membership of social groups, tutoring or family connections. Staff should not assume that the school is aware of any such connections.
- Staff must strive toward and promote harmonious and professional relationships with all colleagues. It is understood that, at times, differences of opinions can occur and at such times it is expected that Staff will attempt to resolve matters informally in the first instance unless they are unable to do so, in which case they should refer the matter to their line manager or the Senior leadership.

7. Honesty and Integrity

- Staff must maintain high standards of honesty and integrity in their work. This includes the handling and claiming of money and the use of school property and facilities.
- Staff must comply with the Bribery Act 2010. A person may be guilty of an offence of bribery under this act if they offer promise or give financial advantage or other advantage to someone; or if they request, agree, or accept or receive a bribe from another person. If you believe that a person has failed to comply with the Bribery Act, you should refer your concerns to the attention of the Principal or Directors.
- Staff must not accept gifts or hospitality from suppliers or associates of the school, with the exception of 'one off' token gifts from parents. Personal gifts from Staff to students are inappropriate and could be misinterpreted and may lead to disciplinary action. A record will be kept of all gifts received.
- Staff must make known to the Principal/Directors all financial and non-financial interest that could bring them into conflict with the school's interests.
- Staff must not be involved in any recruitment process if they have a personal relationship with the applicant inside or outside of work.
- Without fear of recrimination, Staff can report any impropriety or breach of procedures using the process laid out within the Whistleblowing Policy.

8. Conduct outside of Work

- Staff must not engage in conduct outside work which could damage the reputation and standing of Phoenix Bay School, or the Staff own reputation or the reputation of other members of the school community.
- Criminal offences that involve violence or possession or use of illegal drugs or sexual misconduct will be regarded as unacceptable and dealt with under the Disciplinary Policy.

9. Employment outside of Phoenix Bay School

- Staff may undertake work outside of the school, either paid or voluntary, if it does not conflict with the interests of the school nor be to a level which may contravene the working time regulations or affect an individual's work performance in the school. If involved in any work paid or voluntary. Any work that staff undertake while they are employed by Phoenix Bay needs to have the prior written consent of the Principal, which shall not be unreasonably withheld.

10. E-Safety and Internet Use

- Staff must exercise caution when using information technology and be aware of the risks to themselves and others. Staff must adhere to the schools E-Safety and Acceptable Use Policy at all times, inside and outside of work.
- Staff must not use equipment belonging to the school to access pornography, neither should personal equipment containing pornographic images or links to them be brought into school. This is a disciplinary action.
- Staff must not engage in inappropriate use of social network sites which may bring themselves, the school or community into disrepute. Staff should ensure that they adopt suitably high security settings on any personal profiles they may have.
- Staff must exercise caution in their use of all social media or any other web based presence that they may have, including written content, videos or photographs, and views expressed either directly or by 'liking' certain pages or posts established by others. This may also include the use of dating websites where Staff could encounter students either with their own profile or acting covertly.
- Staff must not associate themselves with the school on any social network site they use unless with prior consent of the Principal.
- Staff must not respond to negative comments posted online but bring this to the attention of the Principal.
- Staff must only contact students via school authorised mechanisms. At no time should personal telephone numbers, email addresses or communication routes vial personal accounts on social media platforms be used to communicate with students.
- Staff must report to the Principal any contact by a pupil by an inappropriate route.
- Photographs/still images or video footage of students should only be take using school equipment, for purposes authorised by the school. Any such use she always be transparent and only occur where parental consent has been given.
- Photographs of students or their activity should not be taken on personal devices; these should be take using equipment owned by Phoenix Bay such as cameras, iPads or video cameras.

11. Confidentiality

- Staff must not reveal confidential information about students or their parents/carers except to those colleagues who have a professional role in relation to the student.
- Staff are like at some point to witness actions which need to remain confidential. For example, where a student is bullied by another student (or by another member of staff), this needs to be reported and dealt with in accordance with the school's appropriate procedure. It must not be discussed outside the school, including with the students' parents or carers, nor with colleagues except with a senior member of staff with the appropriate authority to deal with the matter.
- Staff need to be aware that conversations about students which can be overheard by other students breach confidentiality and these need to be avoided at all times.

12. Low Level Concerns

Concerns that do not meet the harm threshold

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Safeguarding concern or allegation from another member of staff
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

Definition of low-level concerns

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, **and**
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Humiliating pupils

Sharing low-level concerns

Phoenix Bay school recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns as per section 7.7 of this policy
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

Responding to low-level concerns

If the concern is raised via a third party, the Principal will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The Principal will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's [staff behaviour policy/code of conduct]. The Principal will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

Keeping Children Safe in Education also links to this report for more information [Developing and implementing a low-level concerns policy: A guide for organisations which work with children](#)

Record keeping

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

References

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

13. Allegations of abuse made against staff

This section of this policy applies to all cases in which it is alleged that a current member of staff, including a supply teacher or volunteer, has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- Possibly committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, 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 both inside and outside of the school.

If we're in any doubt as to whether a concern meets the harm threshold, we will consult our local authority:

Torbay designated officer (LADO) Tel: 01803 208541

Devon designated officer (LADO) Tel: 01392 384964

Somerset designated officer (LADO) Tel: 0300 123 2244

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

A 'case manager' will lead any investigation. This will be a Director where the Principal is the subject of the allegation. The case manager will be identified at the earliest opportunity.

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

Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

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

Suspension of the accused until the case is resolved

Suspension will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school

If in doubt, the case manager will seek views from the school's personnel adviser and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

Definitions for outcomes of allegation investigations

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the Principal (or appointed Director where the Principal is the subject of the allegation) – the ‘case manager’ – will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children’s social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children’s social care services, where necessary). Where the police and/or children’s social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children’s social care services, as appropriate
- Where the case manager is concerned about the welfare of other children in the community or the individual’s family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children’s social care
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children’s social care services as appropriate
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate, i.e. trade union representatives, counselling or medical advice
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children’s social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, (Only in relation to their child – no information will be shared regarding the staff member) where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence)
-

- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child
- We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the proprietor will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

If a concern is raised about the school's Proprietor / Chair of Directors, the correct course of action is to refer the matter directly to the local authority's designated officer.

Additional considerations for supply staff

If there are concerns or an allegation is made against someone not directly employed by the school, such as supply staff provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with our local authority designated officer to determine a suitable outcome
- The Directors will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, while the school carries out the investigation
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

Timescales

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will intended to be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, we will intend to institute appropriate action within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days.

However, these are objectives only and where they are not met, we will endeavour to take the required action

Specific actions

Action following a criminal investigation or prosecution

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and the school's HR representative will discuss with the designated officer whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. If they think that the individual has engaged in conduct that has harmed (or is likely to harm) a child, or if they think the person otherwise poses a risk of harm to a child, they must make a referral to the DBS.

If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation if they are still attending the school.

Unsubstantiated or malicious reports

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

Unsubstantiated or malicious allegations

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

Confidentiality and information sharing

Phoenix Bay will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file)

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)
- A declaration on whether the information will be referred to in any future reference

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file and provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

References

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

We will include substantiated allegations, provided that the information is factual and does not include opinions

Learning lessons

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

Code of Conduct v1.1

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

For all other cases, the case manager will consider the facts and determine whether any improvements can be

made.

Non-recent allegations

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's Procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

14. Dress and Appearance

- Staff must dress in a manner that is appropriate to a professional role and promotes a professional image.
- Staff must not dress in a manner that could be regarded by others as offensive, revealing or sexually provocative.
- Staff must not wear clothes with political or other contentious slogans

Policy Links:

- Safeguarding and Child Protection Policy
- Whistleblowing Policy
- Behaviour and Relationship Policy
- Safer Recruitment

Appendix 1

Code of Conduct:

I confirm I have read, understood, and will comply with, Phoenix Bay's Code of Conduct.

Name:

Signed:

Date:

Keeping Children Safe in Education 2022 Part 1:

I confirm I have read, understood, and will comply with the KCSIE 2022 Part 1

Name:

Signed:

Date:

Whistleblowing Policy:

I confirm I have read, understood, and will comply with the Whistleblowing Policy

Name:

Signed:

Date:

Safeguarding and Child Protection Policy:

I confirm I have read, understood, and will comply with the Whistleblowing Policy

Name:

Signed:

Date:

E-Safety, Social Media and Mobile Phone Policy:

I have read, understood, and will comply with the E-Safety Policy

Name:

Signed:

Date:

Disqualification under the Child Care Act 2006 (updated 2018)

I can confirm I have not been disqualified under the Child Care Act to work with children.

Name:

Signed:

Date:

Code of Conduct v1.1

Author	Ross Banks
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