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Guidelines on Ethics and Integrity in the European Schools

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I. Introduction

European Schools staff operates within a framework of principles and values underlying the rules that govern their conduct with regard to ethics and integrity. Maintaining high ethical standards is a priority issue for any organization but particularly for the European Schools where maintaining the good management of the schools and the trust of stakeholders is paramount. It is important in ensuring proper education for pupils and in protecting the European Schools' interests and reputation. Ethics rules and standards are not, therefore, a bureaucratic 'extra', but to uphold appropriate standards of behavior lends credibility to our work and can protect the Schools', their managerial, teaching, administrative and ancillary staff from any malicious allegations or misrepresentations.

Examples of principles underlying ethics & integrity:

- Perform daily tasks with honesty, integrity and professionalism
- Put honesty and integrity above the desire for personal reward
- Assure transparency to cultivate trust and minimize ambiguity
- Protect and safeguard confidential and personal data

Ethical behavior flourishes in an environment where leadership is provided by example and there is a spirit of encouragement and support amongst the staff to meet the highest ethical standards. In most cases, ethics issues can best be handled with a mixture of common sense and open communication. A conflict of interest is not in itself an offence. It may only become so if not handled appropriately. It is very important that all staff members are well acquainted with the Schools' rules on ethics. Implementing these rules falls under the responsibility of the Secretary-General and the Directors of the European Schools.

II. Context

The European Schools have put in place several policies and procedures that stipulate and relate to ethics subject as follows.

1. Financial Regulation (2017-12-D-21-en-3).

- **Article 34 of the Financial Regulation:** « ... *In the event of any illegal activity, fraud or corruption which may harm the interests of the Schools or of the Contracting Parties referred to in Article 25 of the Convention defining the Statute of the European Schools, the member of staff shall inform the authorities and bodies designated by the applicable legislation. An appropriate system shall be established via a Memorandum from the Secretary-General for the protection of persons communicating the irregularities referred to under this Article.* »
- **Article 37:** « *All financial actors and other persons, including national authorities at any level, involved in budget implementation and management, including acts preparatory thereto, audit or control, shall not take any action which may bring their own interests into conflict with those of the Schools or of the Contracting Parties referred to in Article 25 of the Convention defining the Statute of the European Schools. They shall also take appropriate measures to prevent a conflict of interests from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interests...* »

2. Staff Regulations: Seconded (2011-04-D-14-en-15), Locally Recruited Managerial Staff (2020-04-D-23-en-2), LRT (2016-05-D-11-en-8), AAS (2007-D-153-en-13) and Recruitment policy (2019-05-M-11-en-1).

- **Article 17.2 of the Seconded Staff Regulations:** « *A member of staff shall not, without first obtaining the permission of the SG, accept, in his official position, any gift or payment from any source outside the School ...* »
- **Article 17.3 of the Seconded Staff Regulations:** « *A member of staff wishing to engage in an activity of a professional nature or to carry an assignment outside the schools, whether gainful or otherwise, in agreement with the national Inspector in the case of executive Directors and Deputy Directors), teaching and supervisory staff, must obtain permission from the Secretary-General.* »
- **Article 18 of the Seconded Staff Regulations:** « *A member of staff shall exercise the greatest discretion with regard to all facts and information coming to his knowledge in the course of or in connection with the performance of his duties. He may not, in any manner whatsoever, disclose to any person any document or information of an administrative or educational nature not considered public.* »

- **Article 18 of the Locally Recruited Managerial Staff Regulations:** « *They shall notify their professional activities and shall ask the management for prior authorisation. ...* »
 - **Article 24.2 of the Locally Recruited Teachers' Regulations:** « *School year(s) teachers shall notify their professional activities and shall ask the Director for authorisation. ...* »
 - **Article 5.3 of the AAS Regulations:** « *The selection process will be based on the principle of equal treatment of candidates.* »
 - **Article 10.2 of the AAS Regulations:** « *A member of AAS wishing to engage in an activity of a professional nature or to carry out an assignment outside the schools, whether gainful or otherwise, must notify the management.* »
 - **Article 10.4 of the AAS Regulations:** « *He/she shall, both during and after his/her period of service, exercise the greatest discretion with regard to all facts and information gained in the course of or in connection with the performance of his/her duties.* »
3. Arrangements for Implementing the Regulations for the European Baccalaureate (AIREB) (2015-05-D-12-en-31)
- **Article 5.8.1:** « *The legal representatives and other personal relations of a pupil in s7 working for the European Schools must not be involved in the European Baccalaureate preparation or proceedings, for this pupil...* »
4. Anti-fraud policy in the European Schools (2022-03-D-12-en-1)
- **Objective and guiding principles:** « *... Ethics and transparency are key concerns for the ES. The ES is fully committed to ensure that these principles are properly applied. The ES staff, members of the Governing boards, external experts recruited and all external contractors must pursue the highest standards of honesty and integrity in the exercise of their duties. This also needs to be visible to the ES community and our external stakeholders...* »
 - **Conflict of interest:** « *...All ES staff must observe professionalism and impartiality at all times in the conduct of their professional duties, and avoid to be biased in favor of any third party...* »
5. Guidelines on Whistleblowing in the European Schools (2022-04-M-2-en-1)
6. Guide to Missions for European Schools' Staff (2022-03-M-2-en-1)
7. General Data Protection Regulation (GDPR), Article 2 (a) Memorandum

8. Charter for the use of ICT resources by the European Schools' and the OSG's staff members (2021-10-D-72-en-1) (hereinafter referred to as the ICT Charter for staff members)

- **Point 4 General rules of good behavior:** « ... *Staff members are expected to exercise care in the use of the [School/OSG's] ICT resources...Negligence in the care and use of OSG's property may be considered grounds for disciplinary sanctions...All staff members are bound by a legal duty of confidentiality to protect the personal information they have access to in the course or in connection with the performance of their duties. ... »*

- **Point 5.2 Network and internet use:** « ... *Use of a private digital device does not exempt users from following the rules laid down in this Charter, as regards respect for their colleagues and the members of the European Schools' community. Furthermore, the use of social media -through ICT resources or a private digital device- does not exempt the users from being responsible for the content they disclose. ... »*

III. Conflicts of Interest

The European Schools staff is obliged to be independent, impartial, objective and loyal in the exercise of their position within the ES system. Any personal interest or any interest in any business or organisation that could compromise the respect of these obligations must be declared immediately.

Our conduct must be professional and impartial at all times. Staff members should not be biased in favour of any third party. Take steps to avoid dealing with matters in which staff members have personal stakes that could impair their independence and, by extension, the Schools' interests.

What is a Conflict of Interest?

A conflict of interest occurs when the staff members' personal interests (family, friendships, financial, or social factors) compromises their judgment, decisions or actions in the workplace. Conflicts of interest are a clash that most often occur between requirements and interests.

Various types of conflicts of interest can occur because of the nature of relationships versus rules of organizations or laws. People can easily become biased (have an unfair preference) because of small things like friendship, food or flattery, or they may be influenced to make a decision because of the potential to gain power, prestige or money.

Conflicts occur when an individual makes or influences a decision and does so for some personal gain that may be unfair, unethical, or even illegal. The important part is what you do in each of those situations. Do you allow your family, friendship, financial, or inside knowledge affect your actions? When doing so, you would be violating laws or be non-compliant with these guidelines.

Transparency (being completely open and frank) becomes important when dealing with both actual and potentially perceived conflicts of interest. Perception happens when an individual observes something (behavior or activity) and comes to a conclusion. Perceiving a conflict of interest does not make it a conflict of interest. The true test of verifying whether a matter is just a potentially perceived conflict of interest, or an actual conflict of interest, is disclosure.

Appearance, impression and perception are as important as reality. This is why disclosing conflicts of interest is important. Disclosure of a potential conflict of interest does not make it an actual conflict, but may help eliminate the perception. On the other hand, disclosure of an actual conflict of interest does not remove the conflict but ensures transparency and allows it to be properly addressed and avoided. It's important to disclose both potentially perceived and actual conflicts of interest to allow the management to evaluate the matter and take a decision, rather than keep it to oneself.

When you identify a situation that may be a conflict, or could be perceived as a conflict, you need to notify your management. In case of doubt, you should ask. It is always better to be transparent and accountable to ensure we eliminate either the perceived or actual conflict of interest.

Examples of conflicts of interest

In the European School System, a conflict of interest could arise in a number of ways caused by personal/financial interests overruling its appropriate management. A non-exhaustive list of examples of such situations includes the following:

- A staff member has personal interest in the outcome of a selection procedure due to family or financial connections with a candidate. (Staff member signs a declaration of the conflict of interest.)
- A staff member has personal interest in favouring or facilitating the enrolment process of a pupil or in providing confidential information that could influence the school results of a pupil.
- A staff member has financial or personal interest e.g. being a shareholder in a company that is participating in a procurement process that is involved in. (Staff member can declare having a conflict of interest and withdraw his/her participation from that procurement process.)
- A staff member organizes school trips and chooses locations, hotels, restaurants in order to gain personal benefit. (Be transparent and clearly communicate why those are the choices.)
- A staff member collects funds for donation purposes then uses them for personal tax deduction. (Staff members should avoid this.)

Where a conflict of interest comes to light that a staff member has previously failed to declare, it could give rise to a reasonable doubt as to whether s/he has acted impartially in the best interests of the Schools/Office.

Staff members should therefore notify any situation of possible risk of conflicts of interests, even a perception of conflict of interests. For instance, where staff members have any financial or family interests, or any other personal interests or affiliations, which could be considered to cause a conflict of interest with their Schools duties, they should immediately inform the hierarchy.

As a result, staff members should also avoid becoming involved in any part of procurement, recruitment procedure or European Baccalaureate examinations where personal or any other interest is at stake (e.g. family interest) in any of the potential beneficiaries. If staff members are involved in a procurement process, they should also make sure all relevant provisions of the Schools' Financial Regulation are met.

If a staff member finds him/herself under pressure from political groups or a national government, it is his/her duty to inform the hierarchy about such situations and to take the necessary measures to avoid his/her independence being compromised.

European Bacculaureate (EB)

It is very crucial that all parties involved in European Bacculaureate examinations (EB staff members, Examining Board members, internal/external examiners and experts) sustain high ethical standards which is fundamental to the fairness and impartiality of European Bacculaureate examinations.

The Arrangements for Implementing the Regulations for the European Bacculaureate (AIREB) (2015-05-D-12-en-31), article 5.8.1, stipulate several rules to prevent occurrences that could lead to biased behaviors:

- The legal representatives and the other personal relations of a pupil in s7 working for the European Schools must not be involved in the European Bacculaureate preparation or proceedings, for this pupil.
- They must declare themselves to the Director, or the Secretary General for members of the OSGES and the Board of Inspectors, as having a potential conflict of interest. Any omission to declare will be considered as a breach of regulation.
- Any change of circumstances during the course of the school year shall be communicated immediately to the Director.

The staff concerned is not allowed to:

- provide the proposals for written and/or oral Bacculaureate examination questions of the candidate they are linked to (the duty towards the other pupils of the class remains)¹;
- prepare the Pre-Bacculaureate (short and long) examination questions and to correct the (short and long) Pre-Bacculaureate examination of the candidate they are linked to (the duty towards the other pupils of the class remains);
- correct the European Bacculaureate examinations or to orally examine the candidate(s) they are linked to (the duty towards the other pupils of the class remains).

¹ Tasks for the teacher do not change. The teacher prepares the exams for other pupils, but the pupil linked to the teacher gets exams from another teacher.

IV. Gifts and Hospitality

Gifts can be an ethical challenge because they potentially affect our independence and objectivity or other people's perceptions of our independence.

European Schools' staff members may not accept any gifts or favours from third parties without obtaining prior permission, unless the value of the gift does not exceed €50 and there is no accumulation. The question to consider in any situation is whether accepting a gift could compromise autonomy, independently of its value. Staff members should also consider the origin of the gift, and whether its acceptance could be seen as to compromise their independence.

As a general rule, it is recommended that staff members decline all offers that have more than a merely symbolic value (such as diaries, calendars, small desk items, etc.).

As regards hospitality, staff members should first assess whether the invitation complies with their obligation to act impartially, in the interest of the European Schools and for the public good. Staff members should not accept invitations from stakeholders which could be perceived as excessively generous, or invitations issued at frequent intervals by a single stakeholder. Invitations to entertainment, cultural or sporting events that are offered to staff members in their capacity as a School's official, are gifts in kind and are to be approved by the hierarchy. Finally, invitations to business meals that are paid for by third parties are to be considered similarly.

V. Missions

Missions have to be duly justified and in the interest of the European Schools operations. Staff members should ensure that they fully comply with the Guide to Missions for European Schools' Staff (2022-03-M-2-en-1).

When staff members return from a mission, they should declare all the meals/hospitalities that were offered by a third party, so that the daily mission/subsistence allowance can be adjusted accordingly.

When planning inspector missions, the central planning should distribute missions equally among inspectors considering the balance of inspection work in order to have an equal share of workload as well as an equal distribution of locations of visited schools e.g. 'attractive' vs. 'remote' locations.

VI. Outside Contacts and Activities

All staff members have wide discretion in deciding whom to be in contact with, and the Schools should remain open and accessible institutions. However, we should not be unduly influenced by any stakeholder or group of stakeholders or give the impression that we favor the advice of one stakeholder over another as this would significantly impair the ES system reputation and values.

Outside activities

The European Schools encourage staff members to participate in outside activities particularly in so far as they support voluntary or charitable causes and engage only fair and honest business practices.

Outside activities, paid or unpaid, must first be approved by the Secretary-General or the Directors. Members of the Seconded Staff of the European Schools, Administrative and Ancillary Staff and Locally Recruited Teachers must inform their management of their external activity as personal interest might impair their independence or conflict of interest might occur in the course of the performance of their duties.

Speaking in public including on digital platforms and social media

Contacts with the media are the responsibility of the Secretary-General, the Deputy Secretary-General and the Directors of the Schools who are appointed to represent the European School system fairly and in a professional way. As a general rule, they should be informed in advance of any contact with the media on the part of School/OSG staff, whenever these take place, especially as regards matters still under discussion within the system itself.

When staff members speak in public on a topic relating to their work in the School/OSG, it may not be clear whether they speak on behalf of the School or are expressing their personal view. Staff members should avoid creating confusion or uncertainty when making public statements. Therefore, staff members should avoid discussing any theme on which the Schools have not adopted an official position, and when expressing private views in public, one should make it absolutely clear that those are personal opinions that may not necessarily reflect the views of the Schools.

It is also key to be extra prudent, respectful, and polite when expressing oneself on digital platforms or any other communication channels.

VII. Personal data

Personal information is defined as any information that relates to an identified or identifiable natural person called 'data subject'². At the European Schools, data subjects are in particular the staff members, the pupils and their legal representatives, as well as our external stakeholders.

The processing and sharing of personal information shall be limited to what is necessary for the legitimate performance of the staff members' tasks. Staff members shall seek advice from their Data Protection Officer when they are requested to disclose personal information to third parties to ensure that such disclosure is compliant with data protection legislation (i.e.; requests from law enforcement authorities, national authorities or schools, external stakeholders, ...).

All staff members are bound by a legal duty of confidentiality³ to protect the personal information they have access to in the course or in connection with the performance of their duties.

They are subject to data protection trainings and are requested to sign a confidentiality agreement⁴ during the onboarding process or subsequently when an updated version is available. In this sense, staff members are requested to take all necessary precautions within the scope of their duties to protect the confidentiality of the information to which they have access, and in particular to prevent it from being altered, damaged or communicated to persons not expressly authorized to receive such information.

² Article 2 (a), GDPR.

³ See the Services Regulations of the European Schools' staff members:

- Article 18 of the Service Regulations for the Seconded Staff,
- Article 19 of the Service Regulations for the Locally Recruited Managerial Staff,
- Article 10 of the Service Regulations for the Administrative and Ancillary Staff,
- Article 25 of the Service Regulation for the Locally Recruited Teachers.

⁴ Annex II of the ICT Charter for staff members.

VIII. Use of School/Office Equipment

School and office equipment should not be used in a manner which is contrary to the interests of the OSG/School or that could cause disruption or impairments the reputation of the European Schools.

All staff members must limit the private use of School/OSG equipment (printer, copy machine, phone, mail, and internet) to the strict minimum.

IX. Irregularities versus wrongdoings

Serious irregularities are illegal activities, including fraud, corruption, theft, extortion, deliberate misappropriation of funds and serious professional wrongdoings that are detrimental to the financial interests of the ES and damaging the reputation of the ES⁵. These should be reported in line with the **Guidelines on Whistleblowing in the European Schools** (2022-04-M-2-en-1).

Wrongdoings refer to improper behaviours including criminal or unethical activity, misconduct, conflict of interest and abuse of authority. Examples of wrongdoings can be listed (non-exhaustive) as follows:

- Bullying and harassment of any nature, exploitation, mistreatment or discrimination.
- Acceptance of unauthorized gifts, benefits and hospitality.
- Actions that could put the health or safety of individuals at risk.
- Conduct or behavior likely to damage the reputation of the schools.
- Leaking of sensitive information.
- Intentional reporting of false or misleading information
- Misuse of resources.
- Serious failure by staff members to comply with their professional obligations.

If staff members become aware of any information on any member of staff, which may be detrimental to the interests of the Schools, they should immediately report it in writing. Depending on who is involved, the communication should be addressed to the Head of Unit, or to the School Director, or to the Secretary-General of the European Schools.

When reporting suspected serious irregularity or wrongdoing, staff members do not need to prove that their presumption is correct, but they should reasonably believe it to be the case.

Staff members following these procedures, and who honestly and reasonably believes that the information disclosed and any allegations contained in it are substantially true, will not suffer inequitable or discriminatory treatment by the European Schools as a result of communicating such information.

⁵ 2022-04-M-2-en-1 Guidelines on whistleblowing in the ES, point 1.4, page 6.