



Code of Conduct Policy

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Responsible Officer:	CEO

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1. Purpose

1.1. The purpose of having a Code of Conduct is to:

- Make a clear statement about the standards of conduct expected of employees of the schools in One Excellence Multi Academy Trust – now referenced as the Trust.
- Ensure the highest standards of conduct by identifying the Trust's standards which sit alongside professional codes and guidelines
- Help all employees to act in a way which upholds the Trust's standards and at the same time, protect them from criticism, misunderstanding or complaint
- To help build trust between the Trust and the people who come into contact with those working for it

2. Scope

2.1 This Code of Conduct applies to all Trust employees, centrally employed Trust staff and volunteers. A separate Code of Conduct for Directors and Governors Policy is also in place.

2.2 Non-compliance with this Code will, in certain circumstances, result in disciplinary action being taken.

2.3 All employees and volunteers will be supplied with a copy of this Code, which they are expected to read, sign and follow.

2.4 The term Manager is used throughout the Policy to refer to the Head of School and or the Chief Executive Officer or the Line Manager as relevant in each School in the Trust.

2.5 The term employee is used throughout the policy but should be taken to refer to both employees and volunteers as appropriate.

3 Standards and Attitude

3.1 All employees of the Trust are expected to give the highest possible standard of service to pupils, members of the public, Directors and Local Advisory Board members and fellow employees.

3.2 The attitude of employees in dealing with people reflects on the Trust so it is important that they are helpful, polite and courteous. People's impression of the Trust is strongly influenced by the views of the people who work for it. Whether or not employees are aware of it, others will accept the comments they make. Employees therefore, need to consider carefully the effect of what they say.

3.3 All employees are expected to report to their Manager any perceived or anticipated impropriety, breach of procedure or policy of the Trust.

3.4 In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should avoid any appearance of improper conduct, which may give rise to suspicion.

3.5 There are a number of principles that exemplify the required standards. They are set out below. A number of these aspects are dealt with in more detail within this Code.

4. The Principles

4.1 **Honesty, Integrity, Impartiality and Objectivity**

All employees must perform their duties with honesty, integrity, impartiality and objectivity.

4.2 **Accountability**

All employees must be accountable to the Trust for their actions.

4.3 **Respect for Others**

All employees must:

- Treat others with dignity and respect
- Not discriminate unlawfully against any person
- Treat others professionally

4.4 **Stewardship**

All employees must:

- Use any Trust funds in a responsible and lawful manner
- Not make personal use of property or facilities of the Trust unless properly authorised to do so

4.5 **Personal Interests**

All employees **must not** in their official or personal capacity:

- Allow their personal interests to conflict with the Trust's requirements
- Use their position improperly to confer an advantage or disadvantage on any person

4.6 **Declaring Interests**

All employees must comply with any of the Trust's requirements:

- To declare interests
- To declare hospitality, benefits or gifts received as a consequence of their employment

4.7 **Openness**

All employees **must not**:

- Disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so
- Prevent another person from gaining access to information which that person is entitled to by law

4.8 **Duty of the Trust**

All employees must at all times act in accordance with the trust that pupils/parents/carers and the public is entitled to place in them.

4.9 **Safeguarding**

All employees must undertake their work in accordance with requirements laid down (for their job) in support of the Trust's duties for safeguarding children and young people.

5. Confidentiality and Disclosure of Information

- 5.1 The Trust recognises the importance of an open, transparent culture with clear communication and accountability. It is the Trust's aim to be as open as possible about all of its activities. The law requires that certain types of information must be available to auditors, government departments, service users and the public. Different rules apply in different situations. If an employee is in any doubt as to whether they can release any particular information, they should always check with their Manager first.
- 5.2 The confidentiality of information received in the course of an employee's duties should be respected and must never be used for personal or political gain. Employees must not knowingly pass information on to others who might use it in such a way. If an employee believes that information should be disclosed in the public interest, they should follow the Trust's Whistleblowing Policy before doing so. Further information on whistleblowing is provided in section 6 below.
- 5.3 Employees must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, information which is stored whether on computer systems or manually must be used in accordance with the Trust's GDPR Policy and Confidential Reporting Policy.
- 5.4 Information given in the course of an employee's duties should be accurate and fair and never designed to mislead.

6. Whistleblowing

- 6.1 Employees are often the first to realise that there may be something seriously wrong within the Trust. However, they might not express their concerns because they feel that speaking up would be disloyal to their colleagues. They might also fear harassment or victimisation. In these circumstances, some staff may find it easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, the Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment employees, and those associated with the Trust, who have serious concerns about any aspect of the Trust's work are expected to come forward and voice those concerns. They can raise these concerns through the Whistleblowing Policy. A copy of the Whistleblowing Policy is available from each school and the Trust website.
- 6.2 The Whistleblowing Policy is in addition to the Trust's grievance and complaints procedures and other statutory reporting procedures.

7. Political Neutrality

- 7.1 Employees must not allow their own personal or political opinions to interfere with their work and must at all times perform their duties in an objective manner.

8. Relationships with Pupils

- 8.1 It is important that all working relationships, and relationships between employees and pupils, are conducted in a professional manner. It is an abuse of the professional relationship between an employee and pupil for the employee to:
 - Enter into an improper association with a pupil, either inside or outside of the workplace, e.g. school trips, or when using social media such as Facebook, Twitter etc.
 - Commit any acts against a pupil which are illegal
 - Show undue personal favour or disfavour towards a pupil
 - Endeavour to exert an undue influence on personal attitudes, opinions or behaviour which are in no way connected with the work of the Trust

9. Safeguarding of Pupils/Students

9.1 Employees have a duty to safeguard pupils from:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect

9.2 The duty to safeguard pupils includes the duty to report concerns about a pupil to the Designated Lead for Child Protection/Safeguarding. Employees must ensure that they are familiar with the Child Protection/Safeguarding Policy and Whistleblowing procedures.

9.3 Low-level concern

9.3.1 A low-level concern is any concern about an adult's behaviour towards a child that does not meet the allegation threshold set out above, or is not otherwise serious enough to consider a referral to the LADO.

9.3.2 A low-level concern is any concern – no matter how small, and even if no more than a 'nagging doubt' – that an adult may have acted in a manner which:

- is not consistent with an organisation's Code of Conduct,9 and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

9.3.3 Staff do not need to be able to determine in each case whether their concern is a low-level concern, or if it is in fact serious enough to consider a referral to the LADO, or meets the threshold of an allegation. Once staff share what they believe to be a low-level concern, that determination should be made by the Safeguarding Lead.

10. Bullying and Harassment

10.1 The Trust is firmly committed to equal opportunities and believes that every employee has the right to work in a safe environment without the fear of discrimination, harassment or abuse. The Trust will not tolerate or condone harassment or bullying in any form. Any claims of Bullying and/or Harassment will be dealt with under each school's Anti Bullying Policy, available within each school.

11. Appointment of Staff

11.1 It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. Employees involved in making appointments should do everything possible to ensure that these are made on the basis of merit and in accordance with the Trust policy on Recruitment and Selection and regulations on safer recruitment.

11.2 In order to avoid any possible accusation of bias, employees must not become involved in any appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, if they are a partner or relative of an applicant, or have a close personal relationship with him or her, nor where they have the opportunity to benefit, directly or indirectly, from an appointment without the express prior approval of their Manager.

11.3 'Relative' for example means a spouse, partner, parent, parent-in-law, son, daughter, stepson, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew,

niece, or the spouse or partner of any of the preceding persons. This is not an exhaustive list.

- 11.4 'Partner' means a member of a couple who live together or who are involved in a romantic relationship.
- 11.5 'Close personal relationship' would include a person not employed by the Trust with whom an employee has a close business connection.
- 11.6 Close personal relationships between colleagues and partners who work together can give rise to conflicts of interest. Employees should seek to ensure that such relationships do not encroach on their duties / professionalism as an employee of the Trust.
- 11.7 Employees should disclose if they are working with anyone in a professional capacity who is a relative, partner or with whom they have a close personal relationship with outside of work. The disclosure should be made to their Manager promptly for their consideration.

12. The Local Community and Service Users

- 12.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient service delivery to that community in accordance with the policies of the Trust. This may involve dealing with troubled, angry and frustrated parents and carers, although employees should not be expected to place their personal health, safety and welfare at risk.

13. Contractors

- 13.1 Orders and contracts must be awarded in accordance with contracting procedures and rules and no special favour should be shown to businesses run by, for example, friends, partners or relatives. Where an employee could potentially have a conflict of interest in regard to the Trust and an external contractor, they should seek to make this known to their Manager.

14. Outside Commitments

- 14.1 The Trust recognises that employees are entitled to their private lives. However, an employee must not be in a position where their outside commitments present a conflict of interest e.g. exam marking and staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not be such as to have the potential for allegations of impropriety to be sustained thereby bringing the Trust into disrepute.

15. Conduct

- 15.1 Whether in or outside work, employees must not conduct themselves in any way that creates doubt as to their suitability for their post or brings the Trust into disrepute. This includes conduct which would bring into question their suitability to work with children.
- 15.2 All employees working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of parents/carers, the public in general and all those with whom they work.
- 15.3 There may be times, for example, when an employee's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in the workplace or indicate unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.
- 15.4 Employees in contact with children and young people should understand and be aware that

safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

- 15.5 The behaviour of an employee's partner or other family members may raise similar concerns and may require careful consideration by the Trust as to whether there may be a potential risk to children and young people in the workforce.

16. Dress and Appearance

- 16.1 An employee's dress and appearance are matters of personal choice and self-expression. However, employees should consider the manner of dress and appearance appropriate to their role which may be different to that adopted in their personal life.
- 16.2 Employees who work with pupils should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations.
- 16.3 This means employees should wear clothing which:
- Is appropriate for their role
 - Is not likely to be viewed as offensive, revealing, or sexually provocative
 - Does not distract, cause embarrassment or give rise to misunderstanding
 - Is absent of any political or otherwise contentious slogans
 - Is not considered to be discriminatory.
- 16.4 Jewellery/piercings must be removed where they are a risk to health and safety or where their appearance may be considered inappropriate.

17. Additional Work

- 17.1 Employees are able to take on work in addition to their existing contract of employment, providing it does not conflict with the performance of their duties in the role for which they are employed. In order to assess whether or not there might be a conflict, employees are required to inform their Manager before taking any outside employment.
- 17.2 The Trust will not unreasonably stop employees from undertaking additional employment, but this employment must not, in the Trust's view, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business.
- 17.3 An employee who wishes to take on additional work must ensure that:
- The additional hours worked do not contravene the Working Time Regulations or otherwise give the Trust cause for concern about health and safety at work.
 - The outside work does not place the employee in a position where their duties and private interests conflict
 - The outside work does not damage, or potentially damage, public confidence in the Trust's conduct or business

18. Books, Training Materials and Intellectual Property Rights

- 18.1 If an employee writes a book for payment on subjects relating to their work for the Trust they must seek the permission of the Trust in writing through their Manager and comply with copyright legislation.
- 18.2 The Trust retains intellectual property rights for work undertaken by employees. Research, reports, designs, drawings, software and other developments or similar work, when created in the course of an employee's normal duties, remain the property of the Trust. These should not

be removed from Trust premises or passed on to third parties by any employee acting in a private capacity without the express consent of their Manager.

19. Patents and Inventions

- 19.1 Any matter, or object capable of being patented under the Patents Act 1977, made, developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the Trust through their Manager. Subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Trust.
- 19.2 Employees must not undertake private or personal work, paid or unpaid, of any description in working hours or on Trust premises unless their Manager has given them specific permission.

20. Refusal of a Request to Take on Additional Work

- 20.1 If an employee has their request to take on additional work refused and wishes to challenge this, they should speak to their Manager or consider raising a grievance under the Trust's grievance procedure.

21. Computer/IT Use (Inconjunction with the Information Security Policy and E-Safety Policy)

- 21.1 The Trust wants employees to use computers/IT to the full and to feel competent and comfortable about doing so. However, it is essential that computers/IT are used appropriately. Any reference to computers should be taken to mean all computer equipment and any associated technology.

22. Misuse of Computers/IT

- 22.1 Employees should not receive correspondence, telephone calls and messages in the Trust related to outside work or private interests.
- 22.2 An employee who is aware or suspects that abuse of computers, email or the internet is taking place is under a duty to report this immediately to their Manager.
- 22.3 The Trust will monitor the use of computers/IT etc. without notice. A record of any sites accessed by staff is automatically stored on the system and may be examined later if misuse is suspected.
- 22.4 Any suspected breach of the Computer/IT policy will be investigated and dealt with under the Trust's Disciplinary Policy.

23. Use of Social Networking Sites (Inconjunction with the Social Networking Policy)

- 23.1 The growing popularity of personal web logs (blogs) and social networking sites, such as Facebook and Twitter, may raise issues for the Trust, particularly where employees choose to write about their work in which they are employed.
- 23.2 Employees should ensure that the content of their blogs/social networking sites do not bring the Trust into disrepute or breach their obligations in relation to confidentiality, professional standards and appropriate behaviour.
- 23.3 Employees should not access personal blogs/social networking sites during working hours. When accessing such sites outside working hours' employees are advised not to write about their work or make reference to the Trust on external web pages. Where an employee chooses to do so he/she should make it clear that the views expressed are his/hers only and do not reflect the views of the Trust. In addition, employees must adhere to the rules below.

23.4 Employees **must not**:

- Disclose any information that is confidential to the Trust or any third party or disclose personal data of information about any individual/colleague/student/parent/carer which could be in breach of the Trust's Confidentiality Policy.
- Disclose any information which is not yet in the public arena;
- Post illegal material, e.g. material which incites racial or religious hatred;
- Link their own blogs/personal web pages to the Trust's website;
- Include any information, sourced from the Trust, which breaches copyright;
- Make any remarks, unless directed to do so by the Trust, about the Trust, colleagues, Trustees/Governors, pupils, parents/carers;
- Publish any material or comment that could undermine public confidence in the individual as an employee of the Trust or in their position within the community; and/or
- Misrepresent the Trust by posting false or inaccurate statements about the work of the Trust.

24. Personal Interests

- 24.1 Employees may have a variety of personal interests, which may from time to time impact on their role for the Trust. To protect the Trust and the employee from any accusations of wrong doing the Trust has in place a number of safeguards which demonstrate that these interests are not allowed to influence the way the Trust conducts its business.
- 24.2 Whatever an employee's role within the organisation, they must declare to their Manager any financial or non-financial interests which could bring about conflict with the Trust's interests.
- 24.3 If employees are in any doubt about a potential conflict of interest, they should bring the matter to the attention of their Manager so that a decision can be made as how best to proceed.
- 24.4 Employees must not make, or become involved with, any official or professional decisions about matters in which they have a personal interest.

25. Equality

- 25.1 All members of the local community, parents/carers, and other Trust employees have a right to be treated with fairness and equity. Employees should become familiar with and observe all Trust policies relating to equality issues in addition to the requirements of the law. Copies of the relevant policies are available from each school's website.

26. Tender Procedures

- 26.1 Employees should exercise fairness and impartiality when dealing with all customers, contractors and subcontractors.
- 26.2 Employees responsible for engaging or supervising contractors and who have previously had, or currently have, a relationship in a private or domestic capacity with a particular contractor, must declare that relationship to their Manager.
- 26.3 If employees become privy to confidential information on tenders or costs relating to external contractors, they must not disclose that information to any unauthorised person or organisation.
- 26.4 All employees must ensure that no special favour is shown to current, or recent former, employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.
- 26.5 Employees must not buy items for personal use using the Trust's contracts with external

contractors.

27. Gifts and hospitality

- 27.1 Employees may from time to time, in the course of their work, encounter situations where individuals, including pupils, or organisations may offer gifts, money, awards, prizes, hospitality or other benefits. Whilst most are well meant and innocent, nationally there have been instances of benefits being offered and accepted for corrupt purposes to secure improper advantage.
- 27.2 Casual gifts offered to employees by contractors, organisations, firms, parents/carers or individuals such as calendars, diaries, pens, food, drink, flowers and other small gifts below (or perceived to be below) the value of £25 can be accepted.
- 27.3 Employees should decline any personal gift offered to them, or to a member of their family, with a value (or perceived value) of £25 and over. ^[11]_[SEP]
- 27.4 When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice, particularly at Christmas time and the end of term.
- 27.5 Employees who corruptly receive or give gifts, money, awards, prizes, hospitality or other benefits will face disciplinary action. When giving gifts on behalf of the Trust, employees should aim to ensure that the value of the gift is reasonable, is within the Scheme of Delegation of financial powers, the decision is fully documented, and has due regard to propriety and regularity in the use of public funds.
- 27.6 Employees need to exercise discretion when accepting offers of hospitality particularly when the host is seeking to do business with the Trust or who may stand to benefit in some way from dealing with the Trust.
- 27.7 Offers of hospitality should only be accepted where there is a clear benefit to the Trust in doing so e.g. networking, building contacts. If there is no or limited benefit, employees should not attend.
- 27.8 Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted.
- 27.9 Employees should report to their Manager any offer of hospitality before it is accepted.
- 27.10 A Gifts and Hospitality checklist is provided at Appendix A and a sample form to record any gifts and hospitality is provided at Appendix B.

28. Corruption

- 28.1 Employees must be aware that bribing another person or receiving a bribe are serious criminal offences under the Bribery Act. Penalties include fines and / or imprisonment for up to 10 years.
- 28.2 The offence of 'bribing another person' will be committed if an employee offers, promises or gives financial or other advantage to another person with the aim of inducing or rewarding them perform an activity or function improperly. The activity or function could relate to an external business or commercial activity or any public function (for instance done in house or by another public sector body).
- 28.3 For employee's own protection, if anyone makes an approach which seems to them, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, this should be reported to their Manager.

29. Finance Policy

- 29.1 All employees involved in financial activities and transactions on behalf of the Trust, including budgetary control, operation of bank accounts, payments of accounts, payments of salaries and wages, petty cash and orders of works, goods or services must follow the Trust's Finance Policy.
- 29.2 They must ensure that they use public funds entrusted to them in a responsible and lawful manner and strive to ensure value for money.

30. Sponsorship

- 30.1 Where an outside organisation wishes to sponsor a Trust activity or project, whether by invitation, tender, negotiation or voluntarily, the basic principles concerning the acceptance of gifts and hospitality apply. They should only be accepted where the hospitality involved is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant.

31. Contact with the press and media

- 31.1 Employees are not permitted to give reports or speak to the press and media, unless this is an aspect which is clearly required within their role, or they have been given permission to do so by their Manager on matters relating to their employment within the Trust. Employees with this responsibility must guard themselves against declaring a view which is contrary to a position taken by the Trust Board and which may be deemed to be critical of that decision.
- 31.2 Outside of working hours, an employee is entitled to voice their opinion on issues affecting the local community e.g. at a neighbourhood forum. However, employees have a general duty of care to avoid a conflict of interest and should not criticise, damage or act in any way against the Trust.
- 31.3 A Trade Union official or member may be asked to comment by the media on, for instance, an industrial dispute. Any opinion expressed should be clearly given in their capacity as a Trade Union official or member.

32. Talks to outside bodies, radio and television interviews, contributions to publications, etc.

- 32.1 Where an employee is invited to give a talk to an outside body, or participate in a broadcast, or contribute an article to a professional journal, or the like, on a matter related to their employment or on a personal interest which would be relevant to that employment, the following guidelines apply:
- a) Acceptance of such an invitation shall be at the discretion of the Manager. In the event of a Head Teacher/Principal wishing to follow this course of action, it shall be at the discretion of the Chief Executive and, in the event of the Chief Executive wishing to follow this course of action, the Chair of the Board of Directors.
 - b) Unless an employee is officially representing the Trust, they should make it clear that they are speaking or contributing on a personal basis and that their views do not necessarily represent those of the Board of Directors.
 - c) Employees should avoid commenting on matters which could be regarded as contentious or sensitive so far as the Trust is concerned, especially in cases where what is said is being reported.
 - d) Provided that an employee gives talks on relatively isolated occasions, they shall, at the discretion of their Manager be permitted:
 - To retain any fee received (on the assumption that any preparatory work will have been undertaken in the employee's own time), and
 - To be absent for the purpose of giving the talk, interview etc., without the necessity of taking annual leave, if the invitation entails being absent during working hours,

providing the absence from work is reasonable and does not adversely impact on the delivery of education / their work.

- 32.2 When an employee wishes to undertake paid lecturing on a regular basis additional to their employment with the Trust, they should follow the same procedure of that specified for undertaking additional work.

33. Smoking and Vaping

- 33.1 It is the policy of the Trust that all our workplace buildings are smoke-free, and all employees have the right to work in a smoke-free environment. Smoking and vaping are prohibited in all enclosed areas and/or non-designated areas without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, cafeterias, staff rooms, stairs, restrooms, Trust-owned or leased vehicles and all other enclosed facilities. Failure to adhere to this instruction may result in disciplinary action being taken.

- 33.2 Definitions: Smoking refers to the use of traditional tobacco products. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices. These are commonly called e-cigarettes, e-pipes, e-hookahs and e-cigars.

34. Drug and Alcohol Misuse

- 34.1 It is the responsibility of **all** employees to report to work fit for duty without impairment from alcohol and/or illegal drugs.
- 34.2 It is a disciplinary offence for employees to consume alcohol and/or use illegal drugs during working hours or whilst on duty.
- 34.3 Any employee representing the Trust at official functions/meetings, whether within the working day or when attending evening seminars, meetings, etc. are reminded of the need to maintain appropriate standards of conduct at all times.
- 34.4 Where there is a belief that an employee is under the influence of alcohol and/or illegal drugs, their Manager will ensure that the employee is escorted home safely and make arrangements to interview them on the next working day.

35. Notification of criminal investigations and other required disclosures

- 35.1 The Code of Conduct places a general obligation on all employees to disclose information which is relevant to their capability, capacity and suitability to carry out the duties and responsibilities for which they are employed. This general obligation applies irrespective of the role undertaken by the employee and is not limited to information which relates to a conviction, caution, reprimand or warning.
- 35.2 For employees undertaking roles for which a Disclosure and Barring Service (DBS) check is required there is a specific obligation on them to disclose any convictions, cautions, reprimands or warnings that they receive which are relevant to their employment.
- 35.3 For the avoidance of doubt an employee must immediately inform their Manager, if during their employment with the Trust they are:
- Included on the Disclosure and Barring Service (DBS) Children's Barred List;
 - Disqualified from working with children under the The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (**See Appendix C**)
 - Advised that they are under investigation for a criminal act (including road traffic offences)

- Arrested in connection with a criminal act
- Notified that criminal charges are being considered against them
- In receipt of a summons to appear before a Court of Law for an alleged offence
- Found guilty and convicted of any offence
- Receive a police caution
- Are involved in any other matter which it would be reasonable to think would impact upon their role and or professional standing
- Employees who are required to drive as part of their duties must also declare any penalties received in connection with motoring offences.
- **Failure to disclose this information may be treated as a disciplinary offence.**

35.4 The Manager will consider any possible effects of these matters on an individual's employment, discuss this with HR as appropriate and take relevant action.

35.5 After having undertaken a risk assessment and taking advice as appropriate the Manager will put in place precautionary measures for the protection of the employee, pupils/students and the Trust. Precautionary action may include restriction of duties, temporary redeployment, temporary change of work base or, if none of these options are practicable, suspension with pay. The Manager is responsible for consulting with authorised officers/legal/HR as appropriate and taking relevant action.

35.6 Following careful consideration of the available evidence, any action taken will be fair and reasonable in the circumstances.

Appendix A

GIFTS AND HOSPITALITY

Checklist for considering whether to accept a gift or hospitality

The question in all cases is one of judgement, and the following checklist of queries should help employees to decide whether a gift or an offer of hospitality should be accepted or declined.

- (a) Is the value of the gift or hospitality £25 or over?
- (b) If under £25 is it intended as an inducement?
- (c) Is the extent of the hospitality, or nature of the gift reasonable and appropriate?
- (d) Does the donor have any form of contractual relationship with the Academy does it provide goods or services to the Academy of any kind?
- (e) Is the invitation/gift directed to a large group of unrelated individuals or open to the public, or has an individual been targeted because of their employment with the Academy and the nature of their role?
- (f) What is thought to be the motivation behind the invitation/gift?
- (g) For hospitality does the employee wish to attend if so why? Is it because there will be genuine benefits to the Academy in terms of networking and contracts gained? Or is a desire to go centred around personal enjoyment.
- (h) Would acceptance of the invitation be, in any way, inappropriate or place the employee under pressure in relation to any current or future matter involving the Academy?
- (i) For gifts is there a difficulty in returning the gift? If it would cause offence can the gift be given to charity?

If an employee decides to accept a gift over £25 they must declare this to their Head Teacher / Principal. If an employee declines a gift of over £25 the Head Teacher / Principal should also be informed and the reasons for the gift being declined should be recorded.

Disqualification Under the Childcare Act 2006 – Amended Regulations

The government is introducing new legislation (The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.)

The arrangements set out in the guidance are **additional** to the arrangements in place to safeguard and promote the welfare of all children set out in:

- Keeping children safe in education (KCSIE) - <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>;
- Statutory framework for early years foundation stage (EYFS) - <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>; and
- Working together to safeguard children - <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>.

There are a number of reasons that a person may be disqualified from working with children under the Childcare Act 2006. Staff can be disqualified by

- inclusion on the Disclosure and Barring Service (DBS) Children's Barred List;
- being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 Regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation);
- certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 Regulations;
- refusal or cancellation of registration relating to childcare, or children's homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2018 Regulations;
- being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 Regulations if it had been done in any part of the United Kingdom.

Also, under the legislation a person is disqualified if they are 'found to have committed' an offence which is included in the 2018 Regulations (a 'relevant offence') this includes:

- being convicted of a relevant offence;
- on or after 6 April 2007, being given a caution for a relevant offence; or
- on or after 8 April 2013, given a youth caution for a relevant offence.

The new legislation also makes other changes in some of the relevant offences. The **new offences** added to the list since the June 2016 guidance are:

- Criminal Justice and Courts Act 2015 – including care workers ill-treating or wilfully neglecting an individual
- Female Genital Mutilation Act 2003 – including conducting FGM and assisting a girl to conduct FGM on herself

- Modern Slavery Act 2015 – including holding a person in slavery or servitude and requiring a person to perform forced or compulsory labour
- Psychoactive Substances Act 2016 – supplying or offering to supply a psychoactive substance to a child
- Serious Crime Act 2015 – possessing a paedophile manual and engaging in controlling or coercive behaviour in an intimate or family relationship
- Terrorism Act 2000 – including belonging to a proscribed organisation and committing an act of terrorism
- Terrorism Act 2006 – including encouraging terrorism, circulating a terrorist publication and directing a terrorist organization

If an individual is disqualified under the act they can apply for a waiver from Ofsted.

Staff covered

Staff are covered under the above legislation if they are employed or engaged to provide **early years childcare** (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception year) or **later years childcare** (this covers children above reception age but who have not attained the age of 8) in nursery, primary or settings, **or if they are directly concerned with the management of such childcare**. This includes:

Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during the normal school day and outside of school hours for children in the early years age range; and

Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of the normal school day for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

Staff who are directly concerned in the management of early or later years provision are covered by the legislation. Schools/academies will need to use their judgement to determine who is covered, but this will include the headteacher, and may also include other members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

Volunteers and casual workers (including individuals on work experience) who are directly concerned with the management of childcare provision, and/or who work on a regular basis, whether supervised or not, in relevant childcare, are within the scope of the legislation and are covered by this guidance.

Staff who may be covered

Staff who are not employed to directly provide childcare, are not covered by the legislation. Similarly, most staff who are only occasionally deployed and are not regularly required to work in relevant childcare will not automatically come within the scope of the legislation. Schools/academies should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice from their HR provider, the authority's designated officer, safeguarding lead officer or adviser when appropriate. A record of the assessment should be retained on the employee's personnel file and a copy supplied to the

individual concerned. In general individuals undertaking the following roles would normally be excluded:

- caretakers;
- cleaners;
- drivers;
- transport escorts;
- catering; and
- office staff.

School governors and proprietors are not covered by the legislation, unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day-to-day management of such provision. Further guidance on the safeguarding arrangements covering governors and the safeguarding responsibilities of governing bodies and proprietors is provided in KCSIE. Additionally it should be noted that, whilst out of scope of these regulations, school governors in maintained schools are also subject to additional arrangements and can also be disqualified from holding office (i.e. being a governor in maintained schools) under regulation 17, schedule 4 of the School Governance (Constitution) (England) Regulations 2012.

Staff not covered

This means that staff employed who work in the following roles are not covered, i.e. staff who:

- only provide education, childcare or supervised activity during school hours to children above reception age; or
- only provide childcare or supervised activities out of school hours for children who are aged 8 or over; and
- have no involvement in the management of relevant provision.