



# Bishop Wilkinson

## Catholic Education Trust

## Employee Code of Conduct

### Purpose

This document sets out the Trust's Code of Conduct for its employees. The purpose of this code is to assist employees to achieve the required standards by setting out clearly what is required.

### Document Control

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## 1. Introduction

1.1 The public are entitled to expect the highest standards of conduct from all our employees.

1.2 The aim of this Code is to:

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

1.3 The Trust's values, as set out below, support this Code by providing further guidance in relation to how employees need to conduct themselves in the workplace.

- **Develop spirituality**

We believe that a knowledge of and a personal relationship with Christ brings meaning and direction to life.

- **Act with justice, respect and dignity**

We believe that every member of our diverse community is created in God's image and therefore we act with respect and show dignity, ensuring that all are treated with fairness, justice and equity. We work fervently to dispel inequality and pay special attention to those most in need.

- **Foster a sense of vocation**

We believe that all members of our Trust should be supported to recognise their own purpose and to develop a sense of how they are called to contribute to society.

- **Promote educational excellence**

We believe that each person should be equipped to excel through the highest quality learning opportunities and richest wider-school experiences.

- **Form high aspirations**

We believe that every member of our Trust community should have the highest expectations of themselves and others and should be equipped with the knowledge and skills to achieve greatly.

- **Celebrate community**

We believe that our schools promote truth, honesty, reconciliation, resilience and integrity in their own context, but together create strength, optimism and excellence across the Trust.

- **Support exceptional leadership**

We believe that the best leadership in Catholic Schools raises the work of the staff and the attainment of young people to levels that exceed expectations through relentless focus, effective management skills, profound empathy, sustained energy and robust optimism, underpinned by wide professional knowledge founded on innovative research.

1.4 In addition to the values, schools within our Trust have policies, procedures, and guidelines which should be read in conjunction with this Code. Further information is also available in the Employee Handbook.

## **2. Scope**

2.1 This Code applies to all Trust employees and volunteers. The term employee is used throughout the Code but should be taken to refer to both employees and volunteers as appropriate.

2.2 Employees are required to read this Code and clarify any questions they may have with their headteacher or manager. All employees will be supplied with a copy of this Code, which they are expected to read, sign and follow. Please note that a breach of the standards as set out in this Code will be dealt with through the Disciplinary and/or Capability Procedure and could result in formal action up to and including dismissal.

## **3. General Principles**

3.1 All employees of the Trust are expected to give the highest possible standard of service to pupils, members of the public, Governors, Directors and fellow employees at all time.

- 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 headteacher or manager as soon as possible any perceived or anticipated impropriety, breach of procedure or policy of the Trust. Information on whistleblowing is also available from your place of work.
- 3.4 It is not enough for employees to avoid a breach of this Code. At all times, employees must act in such a way to avoid any occasion for suspicion and any appearance of improper conduct. This includes activities both in and outside of the normal place of work and includes work related functions e.g. leaving celebrations. It also includes occasions outside of work where an employee makes themselves identifiable as an employee of the Trust e.g. social media, wearing an ID badge.

#### **4. The Principles**

- 4.1 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.

##### **Honesty, Integrity, Impartiality and Objectivity**

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

##### **Accountability**

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

##### **Respect for Others**

All employees must:

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

## **Stewardship**

All employees must:

- Use any Trust funds in a responsible and lawful manner, and should refer to the appropriate Trust financial procedures and policies
- Not make personal use of property or facilities of the Trust unless properly authorised to do so

## **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

## **Declaring Interests**

All employees must comply with any of the Trust requirements:

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

## **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

## **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.

## **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. All staff should adhere to and comply with the Trust's policies and procedures for safeguarding.

### **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 headteacher/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 or benefit. 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 Whistleblowing Policy before doing so (see section 6).
- 5.3 Personal data obtained in the course of employment should always be treated confidentially and only be disclosed in accordance with data protection legislation, or other legal, or Trust requirements.
- 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 which is available from your place of work.

## **7. Political Neutrality**

7.1 Employees must not allow their own personal or political opinions to interfere with their work or their behaviour at work and must at all times perform their duties in an objective manner with no reference to their political preferences verbally or written.

## **8. Relationships at Work**

8.1 It is important that all working relationships, and relationships between employees and pupils, are conducted in a professional manner.

8.2 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 (Facebook, Twitter etc);
- Commit any acts against a pupil which are illegal;
- Show undue personal favour or disfavour towards a pupil; or
- Endeavour to exert an undue influence on personal attitudes, opinions or behaviour which are in no way connected with the work of the Trust.

8.3 Employees must declare to their headteacher or manager any situation where their impartiality, objectivity or honesty may be compromised due to them being related to or having a close personal relationship with a colleague who they work with.

## **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.

## **10. Recruitment and Selection and Other Employment Matters**

10.1 Recruitment and selection decisions must be made in accordance with the Trust's policies and procedures, and regulations on safer recruitment.

10.2 To avoid accusations of bias, employees must not be involved in recruitment and selection processes where they are related to or have a close personal relationship with an applicant.

10.3 Headteachers, Deputy Headteachers and Directors are required to disclose to the Chief Executive Officer any relationship known to exist between them and any person they know is a candidate for an appointment with the Trust.

10.4 Employees should not be involved in other employment related decisions for employees who are a relative or with whom they have a close personal relationship, nor should they attempt to influence such decisions. This includes decisions on matters such as discipline, promotions or pay adjustments.

## **11. The Local Community and Service Users**

11.1 Employees should always remember their responsibilities to the community and ensure courteous, impartial and efficient service delivery to all groups and individuals in that community in accordance with the policies of the Trust. Employees should not be expected to place their personal health, safety and welfare at risk.

## **12. Contractors / Suppliers / Procurement / Tendering**

12.1 Orders and contracts must be awarded in accordance with contracting procedures and rules and all relationships of a business or personal nature with external contractors or suppliers must be declared to the headteacher or manager at the earliest opportunity.

### **13. Outside Commitments**

- 13.1 The Trust recognises that employees are entitled to their private lives. Employees must not allow their personal interests to conflict with or be detrimental to their duties or Trust business. An employee must not be in a position where their outside commitments presents a conflict of interest, e.g. exam marking. 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.
- 13.2 Employees must not engage in any other business without the agreement of their headteacher/manager.

### **14. Conduct**

- 14.1 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.
- 14.2 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. Dress and Appearance**

- 15.1 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.
- 15.2 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.
- 15.3 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. Additional Work**

- 16.1 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 headteacher/ manager before taking any outside employment.
- 16.2 The Trust will not unreasonably stop employees from undertaking additional employment, but this employment must not, in the Trust, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business.
- 16.3 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

## **17. Books, Training Materials and Intellectual Property Rights**

- 17.1 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 headteacher/line manager and comply with copyright legislation.
- 17.2 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's premises or passed on to third parties by any employee acting in a private capacity without the express consent of their headteacher or manager.

## **18. Patents and Inventions**

- 18.1 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 the headteacher or their manager. Subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Trust.
- 18.2 Employees must not undertake private or personal work, paid or unpaid, of any description in working hours or on the Trust's premises unless their headteacher/manager has given them specific permission.

## **19. Information Technology**

- 19.1 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.
- 19.2 All employees should follow and comply with the Trust's policies and procedures relating to ICT.
- 19.3 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 headteacher or manager.
- 19.4 The Trust will monitor the use of computers/IT etc. without notice in accordance with the Trust's ICT policies and procedures. A record of any sites accessed by staff is automatically stored on the system and may be examined later if misuse is suspected.

## **20. Social Media**

- 20.1 All employees must familiarise themselves with, and adhere to, the Trust's Social Media Policy.
- 20.2 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.

### 20.3 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 data protection legislation;
- 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, Governors, Directors, 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.

## 21. Personal Interests

21.1 All employees must declare to their headteacher/manager using the Employee Code of Conduct form any financial or non-financial interests which they consider could bring about conflict with the Trust's interests.

21.2 If employees are in any doubt about a potential conflict of interest, they should bring the matter to the attention of their headteacher or manager so that a decision can be made as how best to proceed.

21.3 Employees must not make, or become involved with, any official or professional decisions about matters in which they have a personal interest.

## 22. Equality

22.1 Everyone has a right to be treated with fairness and equity. Employees should become familiar with and observe all Trust policies on equality and diversity.

## 23. Tender Procedures

- 23.1 Employees should exercise fairness and impartiality when dealing with all customers, contractors and subcontractors, and adhere to the Trust's policies and procedures.
- 23.2 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 headteacher or manager.
- 23.3 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.
- 23.4 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.
- 23.5 Employees must not buy items for personal use using the Trust contracts with external contractors.

## **24. Gifts and hospitality**

- 24.1 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.
- 24.2 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 £50 can be accepted.
- 24.3 Employees should notify their headteacher/manager of any gifts with a value (or perceived value) of £50 and over. It is recognised that gifts are common custom and practice, particularly in schools at the end of the academic year and at Christmas, and that quite often gifts of a higher value may be received on behalf of a number of students within a class, which is considered acceptable practice.
- 24.4 When a gift needs to be refused, this should be done with tact and courtesy.

- 24.5 Employees who corruptly receive or give gifts, money, awards, prizes, hospitality or other benefits will face disciplinary action.
- 24.6 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.
- 24.7 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.
- 24.8 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.
- 24.9 Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted. Employees should report to their headteacher or manager any offer of hospitality before it is accepted.
- 24.10 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.

## **25. Corruption**

- 25.1 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.
- 25.2 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).
- 25.3 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 the headteacher or their manager.

## **26. Financial Resources**

- 26.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. Employees should always strive to ensure value for money.
- 26.2 To support employees involved in financial activities and transactions including budgetary control, operation of bank accounts, payments of accounts, payments of salaries and wages, petty cash and orders of works, goods or services the Trust has developed financial rules and procedures.

## **27. Sponsorship**

- 27.1 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.

## **28. Contact with the press and media**

- 28.1 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 the Trust's Chief Executive Officer 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 and which may be deemed to be critical of that decision.
- 28.2 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, and make it clear they are not speaking on behalf of the Trust.

28.3 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.

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

29.1 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:

- Acceptance of such an invitation shall be at the discretion of the Headteacher. In the event of a headteacher wishing to follow this course of action, it shall be at the discretion of the Chief Executive Officer and, in the event of the Chief Executive Officer wishing to follow this course of action, the Chair of the Trust Board
- 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 Trust
- 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.

29.2 Provided that an employee gives talks on relatively isolated occasions, they shall, at the discretion of their Headteacher or 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.

29.3 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.

### **30. Smoking and Vaping**

30.1 It is the policy of the Trust that all of 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 may result in disciplinary action being taken.

### **31. Drug and Alcohol Misuse**

31.1 It is the responsibility of all employees to report to work fit for duty without impairment from alcohol and/or illegal drugs.

31.2 It is a disciplinary offence for employees to consume alcohol and/or use illegal drugs during working hours or whilst on duty.

31.3 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.

31.4 Where there is a belief that an employee is under the influence of alcohol and/or illegal drugs, the headteacher/manager will ensure that the employee is escorted home safely and make arrangements to interview them on the next working day, or as soon as possible afterwards.

### **32. Notification of criminal investigations and other required disclosures**

32.1 The Code 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.

- 32.2 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.
- 32.3 For the avoidance of doubt an employee must immediately inform their headteacher/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 Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (See Appendix D)
  - 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 driving convictions.

Failure to disclose this information may be treated as a disciplinary offence.

- 32.3 The headteacher/manager will consider any possible effects of these matters on an individual's employment, discuss this with HR as appropriate and take relevant action.
- 32.4 After having undertaken a risk assessment and taking advice as appropriate the headteacher/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 headteacher/manager is responsible for consulting with authorised officers/legal/HR as appropriate and taking relevant action.
- 32.5 Following careful consideration of the available evidence, any action taken will be fair and reasonable in the circumstances.

## **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 £50 or over?
- (b) If under £50 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 Trust does it provide goods or services to the Trust 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 Trust 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 Trust 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 Trust?
- (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 £50 they must declare this to their Head Teacher. If an employee declines a gift of over £50 the Head Teacher 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.

