



**Bishop  
Hogarth**

Catholic Education Trust

## **BISHOP HOGARTH CATHOLIC EDUCATION TRUST**

### **CODE OF CONDUCT FOR EMPLOYEES**

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## CODE OF CONDUCT FOR EMPLOYEES

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## **CODE OF CONDUCT FOR EMPLOYEES**

### **1. PURPOSE**

The purpose of having a Code of Conduct is to:

- To make a clear statement about the standards of conduct
- To ensure the highest standards of conduct by identifying Trust standards which sit alongside professional codes and guidelines including the Teachers' Standards
- 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**

This Code of Conduct applies to all Trust employees, centrally employed Trust staff and volunteers. There are separate Codes for Directors and Governors.

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

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

The term Manager is used throughout the Policy to refer to the Chief Executive Officer and / or Headteacher or Line Manager as relevant in each School.

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**

All employees of the Trust are expected to give the highest possible standard of service to the public, Directors, Governors and fellow employees.

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

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

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

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

#### 4. THE PRINCIPLES OF PUBLIC LIFE

All employees must perform their duties in accordance with the Principles of Public Life as follows:

##### **Selflessness**

You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.

##### **Integrity**

You should not place yourself under any financial or other obligation to outside individuals or organisations that might, or might be perceived to, influence you in the performance of your official duties.

##### **Objectivity**

In carrying out public business, including awarding contracts and recommending individuals for rewards and benefits, you should make choices on merit.

##### **Accountability**

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate for your office.

##### **Openness**

You should be as open as possible about the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

##### **Honesty**

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

##### **Leadership**

You should promote and support these principles by leadership and example.

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

All employees must;

- Treat others with respect
- Not discriminate unlawfully against any person; and
- Treat Governors professionally.

##### **Stewardship**

All employees must;

- Use any public funds entrusted to or handled by them in a responsible and lawful manner; and
- 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; or
- Use their position improperly to confer an advantage or disadvantage on any person

## **Declaring Interests**

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

- To declare interests; and
- 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; and
- prevent another person from gaining access to information which that person is entitled to by law.

## **Duty of Trust**

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

## **5 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.

Employees have a duty to safeguard and be prepared to identify pupils/students who may be subject to, or at risk of, various types of abuse and neglect, including, but not limited to, the following:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Child-on-child abuse
- Serious violence
- FGM
- Child sexual exploitation (CSE)
- Child criminal exploitation (CCE)
- Bullying; this includes cyberbullying, and prejudice-based and discriminatory bullying

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, Low-level Safeguarding Policy and Whistleblowing procedures. Staff must complete all relevant safeguarding training and have read and understood Part One (or, where appropriate Annex A for staff members not working directly with children) of Keeping Children Safe in Education. They must act in way that does not put pupils at risk of harm, or lead others to question their actions.

If a staff member identifies a pupil who is subject to harm, or at risk of harm, they will follow the necessary reporting and referral procedures outlined in the Child Protection and Safeguarding Policy. Staff will be aware of the procedures to follow if a pupil tells them they are experiencing abuse, exploitation or neglect.

In all cases, if a staff member feels unsure as to whether an incident or pupil would be classed as a safeguarding concern, they will speak directly to the DSL. Staff will not assume a colleague will act and share information that might be critical in keeping children safe.

Any staff member that has concerns about another staff member's (including volunteers and supply staff) actions or intent, or believes these actions may lead to a pupil being put at risk of harm, will report this in line with the safeguarding Children / Child Protection Policy, the Low Level Safeguarding Concerns Policy or Whistleblowing Policy immediately so appropriate action can be taken.

If a staff member feels unable to raise an issue with the school, they will use other whistleblowing channels, including contacting the NSPCC's helpline on 0800 028 0285 (between the hours of 8:00am and 8:00pm Monday to Friday) or email address [help@nspcc.org.uk](mailto:help@nspcc.org.uk). Staff members can also access guidance at [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing). Fear about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare of pupils.

Staff will reassure victims that they are being taken seriously and that they will be supported and kept safe by the school. Staff will never give the impression that pupils are creating a problem by reporting abuse, sexual violence or sexual harassment, nor should a pupil ever be made to feel ashamed for reporting an incident.

Staff will be aware that confidentiality must never be promised to a pupil – staff will understand the procedure for if a pupil discloses a potential safeguarding issue, in accordance with the school's Child Protection and Safeguarding Policy.

## **6. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION**

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 its activities. The law and the Funding Agreement requires that certain types of information must be available to auditors, government departments, the Education Funding Agency, 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 first.

The confidentiality of information received in the course of employees 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 Whistleblowing Policy before doing so (see below). Failure to do so may result in disciplinary action being taken.

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 only be disclosed in accordance with the requirements of the Data Protection Act 2018 and General Data Protection Regulations 2018.

Information given in the course of an employee's duties should be accurate and fair and never designed to mislead.

The deliberate falsification of documents, such as references, academic qualifications or legal documents, is unacceptable. Where a staff member falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence.

## **7. WHISTLEBLOWING POLICY**

Employees are often the first to realise that there may be something seriously wrong within their school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust/School. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

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 / School's work are expected to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

In order to ensure that this can happen the Trust has adopted a Whistleblowing Policy available on Sharepoint.

The Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns rather than overlooking a problem or 'blowing the whistle' outside.

The policy applies to all employees and those contractors working for the Trust on Trust premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Trust and/or Trust schools in their own premises.

The policy is in addition to the Trust's complaints procedures and other statutory reporting procedures.

## **8. POLITICAL NEUTRALITY**

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.

## **9. RELATIONSHIPS**

As employees of the Trust you are expected to work in a collegiate and co-operative manner with your colleagues. 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 and will promote an anti-harassment and bullying policy which addresses these issues in more detail. It is every employee responsibility to treat all colleagues professionally.

As a Trust employee:

- You must treat all colleagues and parents and carers fairly and with respect, without discrimination
- You should not make malicious or unfounded criticisms of, or accusations about, colleagues that may undermine them professionally
- You should promote good relationships between home and school

- You should exercise great care when expressing opinions in public about the pupils, School or Trust
- You must avoid undermining a colleague by remarks which are or could be perceived as being malicious, unfounded or unprofessional
- You must guard against inappropriate communication with, or behaviour towards, colleagues which is or could be perceived as being of an unprofessional, discriminatory or harassing nature.

## **10. RELATIONSHIPS WITH PUPILS**

It is important that all working relationships, and relationships between employees and pupils, are conducted in a professional manner. Staff will ensure that they do not assume maturity on behalf of a pupil and do not engage with pupils as they would with their own peers. Staff will be aware that where there is any doubt regarding whether the behaviour of another adult is appropriate, this should be immediately reported to the DSL and headteacher.

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

Inappropriate behaviour can exist on a wide spectrum, from inadvertent or thoughtless behaviour to behaviour which is ultimately intended to enable abuse. Examples of inappropriate behaviour that would constitute a low-level safeguarding concern that should be reported to the DSL include, but are not limited to:

- Being overly friendly with children – this could include, but is not limited to, communicating with a child through personal social media or allowing inappropriate conversations or enquiries to occur with pupils, e.g. conversations that are about a staff member's personal life or are of a sexual nature.
- Having favourites – this could include, but is not limited to, calling pupils by pet names or terms of endearment or buying pupils gifts.
- Taking photographs of children on their personal mobile phones or devices.
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door.
- Humiliating pupils.

If staff members and pupils must spend time on a one-to-one basis, staff will ensure that:

- This takes place in a public place that others can access
- Others can see into the room
- A colleague or line manager knows this is taking place

Staff should avoid contact with pupils outside of school hours if possible and only contact pupils via the school's established mechanisms. Personal phone numbers, email addresses or social media platforms will not be used to contact pupils.

While we are aware many pupils and their parents may wish to give gifts to staff, for example, at the end of the school year, gifts from staff to pupils are not acceptable.

If a staff member is concerned at any point that an interaction between themselves and a pupil may be misinterpreted, this should be reported to their line manager or the headteacher.

Staff will be aware that some of the above low-level concerns may meet the harms threshold depending on certain factors, e.g. the age or needs of the child or the content of exchanged messages, and that some of the above incidents may not be concerns in context, e.g. a pre-approved, one-to-one meeting with a child behind a closed door between the child and a school counsellor who has received all appropriate safety checks.

Staff will also be made aware that behaviour which raises concerns may not be intentionally inappropriate, and that this does not negate the need to report the behaviour. Staff members who engage in low-level inappropriate behaviour in relation to pupils inadvertently will be made aware and supported to correct this behaviour in line with this Staff Code of Conduct.

The school will retain all records of low-level concerns, including those that were found to be unfounded. The DSL together with the Trust Safeguarding Lead will periodically review the recent low-level concerns made to ensure that they are being appropriately dealt with and to check for any concerning behaviour patterns amongst the staff cohort as a whole.

Under the Sexual Offences Act 2003, it is an offence for a person aged 18 or over to have a sexual relationship with a child under 18 where that person is in a position of trust in respect to that child, even if the relationship is consensual.

#### 11. **Physical contact with pupils**

The Trust understands that there are circumstances in which it is entirely necessary for staff to have physical contact with pupils, e.g. when applying first aid and assisting with intimate care, but staff will only do so in a professional and appropriate manner in line with relevant school policies.

When physical contact is made with pupils, it is imperative that it is conducted in a way which is responsive to the pupil's needs, is of limited duration and is appropriate to their age, stage of development, gender, ethnicity and background.

Staff will seek the pupil's permission, where possible, before initiating contact. Staff will always use their professional judgement when determining what physical contact is appropriate, as this may differ between pupils. As such, the pupil's feelings and wishes will always be considered. Staff will never touch a pupil in a way which is indecent and will always be prepared to explain their actions. Staff will be aware that even well-intentioned physical contact may be misconstrued by a pupil, an observer or by anyone to whom this action is described and, therefore, will be prepared to justify their actions.

Pupils are entitled to respect and privacy whilst they are changing, e.g. before and after PE; however, a level of supervision is required to ensure that pupils are safe, and that they are not subjected to bullying. The supervision will be appropriate to the needs and ages of the pupils, and sensitive to the potential for embarrassment. Where possible, female staff will supervise girls and male staff will supervise boys. Staff will announce their intention of entering the changing room to allow pupils to maintain their privacy and will only remain in the changing room for as long as is necessary. Staff will never change or shower in the same area as pupils.

Staff may also use reasonable force as a means of physical contact with pupils for restraint purposes, such instances will always be in accordance with the Physical Interventions Policy.

## **12. APPOINTMENT OF STAFF**

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 prevailing policy on Recruitment and Selection and regulations on safer recruitment.

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 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 Principal.

In this paragraph 'relative' 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 person.

'Partner' means a member of a couple who live together or who are involved in a romantic relationship.

'Close personal relationship' would include a person not employed by the trust with whom an employee has a close business connection.

Personal relationships between colleagues who work together can give rise to conflicts of interest. Therefore, employees who have entered into a close personal or romantic relationship with a colleague are required to disclose this fact to their Headteacher or where applicable the Chief Executive Officer. Any information declared or disclosed should be recorded on both employees' personal files and treated in strict confidence.

This information should only be considered to ensure that the existence of the relationship does not impact on the smooth running of the Trust or its' schools.

## **13. THE LOCAL COMMUNITY AND SERVICE USERS**

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 are entitled not to be expected to place their personal health, safety and welfare at risk.

## **14. CONTRACTORS**

All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to the Chief Executive Officer and / or Headteacher at the earliest opportunity.

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.

## **15. OUTSIDE COMMITMENTS**

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.

## **16. CONDUCT**

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.

The use of foul and abusive language will not be tolerated. Discrimination, bullying, harassment or intimidation, including physical, sexual and verbal abuse, will not be tolerated.

All adults 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 the public in general and all those with whom they work.

There may be times, for example, when an adult'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.

Staff members will inform the headteacher if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution.

Adults in contact with children and young people should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour of an adult'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.

## **17. DRESS CODE**

It is the Trust's intention to maintain an image of a professional public service organisation providing high quality services. A person's dress and appearance are matters of personal choice. However, staff should ensure that they dress decently, safely and appropriately for the roles they undertake. Outfits will not be overly revealing and will not display any offensive or political slogans. The Trust will make reasonable adjustments to any uniform expectations to suit disabilities, medical conditions, and religious and cultural beliefs.

## **18. ADDITIONAL WORK**

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 before taking any outside employment.

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.

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

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

## **19. BOOKS, PUBLICATIONS, TRAINING MATERIALS AND INTELLECTUAL PROPERTY RIGHTS**

If an employee writes a book or publication for payment on subjects relating to their work for the Trust or any School they must seek the permission of the Trust in writing through the Chief Executive Officer or the Headteacher.

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 the Chief Executive Officer and / or Headteacher.

## **20. PATENTS AND INVENTIONS**

Any matter, or thing capable of being patented under the Patents Acts, 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 Chief Executive Officer and / or Headteacher and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Trust.

Employees must not undertake private or personal work, paid or unpaid, of any description in working hours or on Trust premises unless they have been given specific permission by the Chief Executive Officer and / or Headteacher. Even if approval is granted, any fees received, e.g. lecture fees would be passed over to the Trust.

## **21. ATTENDANCE**

Staff members will:

- Attend work in accordance with their contract of employment and associated terms and conditions in relation to hours, days of work and holidays.
- Make routine medical and dental appointments outside of their working hours or during holidays where possible.
- Refer to the school's Staff Leave of Absence Policy if they need time off for any reason other than personal illness.
- Follow the school's absence reporting procedure when they are absent from work due to illness or injury.

## **22. COMPUTER/IT USE**

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

## **23. MISUSE OF COMPUTERS/IT**

The misuse of computers is a serious matter and may result in employees being subject to disciplinary and, where appropriate, legal action.

Guidance documents exist in relation to the use of computers and information technology. Employees must be familiar with, and abide by the Trust's Acceptable Use Policy available on Microsoft Teams.

Private use of Trust facilities, such as computers (including use of the Internet), stationery and fax machines, is governed by these documents. Employees should not arrange to receive correspondence, telephone calls and fax messages related to outside work or private interests.

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 under the Whistle Blowing Policy (see paragraph 6 above).

The Trust will monitor the use of computers 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.

## **24. USE OF SOCIAL NETWORKING SITES**

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 and the Trust / School in which they are employed. Staff should be aware of the school's e-safety policy.

Employees should ensure that the content of their blogs/social networking sites does not bring the Trust / School into disrepute or breach their obligations in relation to confidentiality and appropriate behaviour.

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 / School 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.

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/ pupil/parent which could be in breach of the Data Protection Act;

- Disclose any information which is not yet in the public arena;
- Post illegal material, e.g. material which incites racial hatred;
- Link their own blogs/personal web pages to the Trust's / School's website;
- Include any information, sourced from the Trust / School, which breaches copyright;
- Make defamatory remarks about the Trust / School, colleagues, Directors, Governors, pupils and parents;
- Publish any material or comment that could undermine public confidence in an individual as an employee of the Trust or in their position of trust within the community; and/or
- Misrepresent the Trust, by posting false or inaccurate statements about the work of the Trust / School.

School staff's social media profiles should not be available to pupils. If they have a personal profile on social media sites, they should not use their full name, as pupils may be able to find them. Staff should consider using a first and middle name instead, and set public profiles to private.

Staff should not attempt to contact pupils or their parents via social media, or any other means outside school, in order to develop any sort of relationship. They will not make any efforts to find pupils' or parents' social media profiles.

Staff will ensure that they do not post any images online that identify children who are pupils at the school without their consent.

## **25. PERSONAL INTERESTS**

Employees may have a variety of personal interests, which may from time to time impact on their role for the Trust / School. 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.

Whatever an employee's role within the organisation, they must declare to the Chief Executive Officer and / or Headteacher any financial or non-financial interests which could bring about conflict with the College's interests.

If employees are in any doubt about a potential conflict of interest, they should bring the matter to the attention of the Chief Executive Officer and / or Headteacher so that a decision can be made as to how best to proceed.

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

## 26. GIFTS, HOSPITALITY, PRIZES & AWARDS

A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence.

## 27. GIFTS GENERALLY

Casual gifts offered to employees by contractors, organisations, firms, parents and carers or individuals such as calendars, diaries, pens, food, drink, flowers and other small gifts need not be declared. The general rule is that a gift below the value of £25 does not need to be declared. However, it will not be appropriate to accept a gift below that value if it is more than minimal and may be perceived as an inducement.

In cases where employees are given alcoholic beverages as gifts they need to ensure that they do not contravene the Alcohol at Work Policy.

Employees should decline any personal gift offered to them, or to a member of their family, with a value of £25 or over by any person or organisation having dealings with the Trust / School.

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 in the commercial world, particularly at Christmas time. If the gift is simply delivered to the School, there may be a problem returning it, in which case it should be reported immediately to the Chief Executive Officer and / or Headteacher.

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.

A checklist and form for recording gifts and hospitality is attached at **Annex A** which should be used to help employees decide whether or not it is appropriate to accept a gift. The form should be completed by staff members and returned to the Chief Executive Officer/Headteacher for decision.

The Chief Executive Officer and / or Headteacher will keep a record of all gifts given to employees of the Trust / School where the value exceeds £25 or when a gift was declined. **See Annex B**. The register of gifts will be maintained by the Trust's Central Finance Team and monitored by the Chief Financial Officer.

## 28. HOSPITALITY

Offers of hospitality are a normal part of the courtesies of business life but in the public sector it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence.

Hospitality is sometimes offered to representatives of the Trust in an official or formal capacity. Hospitality can take many forms and could include attending exhibitions, seminars, sporting events, shows or concerts. Training events with very low training content and free catering, drink or transport may also be hospitality.

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.

Offers of hospitality should only be accepted where there is a clear benefit to the Trust / School in doing so e.g. networking, building contacts. If there is no or limited benefit employees should not attend.

Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted.

All offers of hospitality should be reported to the Chief Executive Officer and / or Headteacher before it is accepted. The Chief Executive Officer and / or Headteacher will keep a record of all hospitality and gifts accepted by employees of the College. **See Annex B.**

## **29. CORRUPTION**

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.

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).

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.

## **30. SPONSORSHIP – GIVING AND RECEIVING**

When an outside organisation wishes to sponsor or is seeking to sponsor a Trust / School activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Trust / School wishes to sponsor an event or services, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full prior disclosure to the Chief Executive Officer and / or Headteacher of any such interest. Similarly, where the Trust / School through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **31. EQUALITY**

All members of the local community, parents and 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.

## **32. TENDER PROCEDURES**

Employees should exercise fairness and impartiality when dealing with all customers, contractors and subcontracts.

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 the Chief Executive Officer or Headteacher.

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.

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.

## **33. FINANCIAL PROCEDURE RULES**

All employees involved in financial activities and transactions on behalf of the College, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders of works, goods or services must follow the Trust Finance Policy.

They must ensure that they use public funds entrusted to them in a responsible and lawful manner and strive to ensure value for money to the local community.

## **34. CONTACT WITH THE PRESS AND MEDIA**

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.

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.

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.

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 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 Trust Board.
- 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 Trust Board.
- 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.

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.

### **35. SMOKING AND VAPING**

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 is prohibited on the Trust estate, including Trust-owned or leased vehicles.

Staff will not smoke or vape within close proximity of the school premises and whenever in the sight of pupils, parents or visitors.

Staff will not smoke whilst working with or supervising pupils off-site, such as when on educational visits and trips.

Failure to adhere to this instruction may result in disciplinary action being taken.

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.

### **36. DRUG AND ALCOHOL MISUSE**

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

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

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.

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.

Further information is provided in the Restrictions on the Consumption of Alcohol at Work or During Contractual Working Hours Guidance and Substance Misuse Policy

### 37 NOTIFICATION OF CRIMINAL INVESTIGATIONS AND OTHER REQUIRED DISCLOSURES

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.

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.

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 Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (**See Annex 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.**

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.

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.

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

### 38 Health and safety

Staff will:

- Be familiar with, and adhere to, the school's Health and Safety Policy and ensure that they take every action to keep themselves and everyone in the school environment safe and well.
- Comply with health and safety regulations and use any safety equipment and protective clothing which is supplied to them.
- Comply with hygiene requirements.
- Comply with accident reporting requirements.

## 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 Trust / School, does it provide goods or services to the Trust / School 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 / School 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 / School?
- (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 the Chief Executive Officer or Headteacher. If an employee declines a gift of over £25 the Chief Executive Officer and / or Headteacher should also be informed and the reasons for the gift being declined should be recorded.

The following form should be completed by staff in receipt of gifts and hospitality and returned to **the Chief Executive Officer or Headteacher**.

**Staff Gifts & Hospitality Register Form**

**Staff should complete this form and return to the Chief Executive Officer / Headteacher (where applicable)**

<p><i>Section One of this form should be completed (either in electronic or paper form), for all offers of hospitality or gifts either received or offered to staff (with the exception of low value gifts (under £25))</i></p>	
<p><b>SECTION ONE: Details of the offer</b> – this section must be completed by the staff member receiving the offer.</p>	
Date of offer	
Name of employee	
Who offered the gift or hospitality?	
What is your relationship with the individual/organisation offering the gift or hospitality (if any)?	
Nature of gift or hospitality offered	
Details of other staff and Members offered the same gift or hospitality (where applicable/known)	
Proposed action (delete as appropriate)	<p><b>Accept / Decline / Already declined</b> This form must be authorised by the Chief Executive Officer / Headteacher before any offer is accepted.</p>
Employees signature:	Date:
<p align="center"><b>Following completion of the above section and before any offer is accepted this form must be authorised by the Chief Executive Officer / Headteacher</b></p>	
<p><b>SECTION TWO: Action authorised by the Chief Executive Officer / Headteacher</b></p>	
Name (Chief Executive Officer / Headteacher):	
Record of action (delete as appropriate)	<p>Agree acceptance / Acceptance not authorised/ <b>Agree action to decline</b> Please ensure the Staff Member who received the offer is aware of you decision.</p>
Signed	Date
<p>Please ensure: (i) The employee is informed of your decision (ii) This form is recorded on your Register of Staff Gifts and Hospitality (iii) This form is filed in the Register of Staff Gifts and Hospitality.</p>	

<p><b>For Office use Only</b></p> <p><b>Form Index Number:</b></p>
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### Disqualification under the Childcare Act 2006 – Amended Regulations

The Government introduced amended legislation in 2018 (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 legislation also makes other changes in some of the relevant offences. The **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.

## Childcare Disqualification Self-Declaration Form

The post for which you have applied involves regularly providing relevant childcare to children under 8 years of age. As part of our pre-employment safeguarding vetting checks you are required to provide the information requested on this form to enable a determination to be made regarding your suitability for employment in this role. This forms part of our overall commitment to safeguarding.

The legislative provisions which allow us to request this information from you are as follows:

- The Childcare Act 2006
- The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (“the 2018 Regulations”)
- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)
- Keeping Children Safe in Education

Please note you are only required to declare any cautions issued as below:

**Cautions** – issued on or after 6 April 2007.

**Youth cautions** – issued on or after 8 April, 2013

Staff in a nursery, primary, secondary or special school setting are covered by this 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) before, during and after school hours;
- provide **later years childcare** (this covers children above reception age but who have not attained the age of 8) outside of school hours that are not included as extended school hours for co-curricular learning activities i.e. school choir or sports teams; Or
- if they are directly concerned with the management of such childcare.

A person may be disqualified through

1. having certain orders or other restrictions placed upon them
2. having committed certain offences

A disqualified person is not permitted to continue to work in a setting providing care in the settings listed above, **unless they apply for and are granted a waiver from OFSTED.**

You are required therefore to sign the declaration below confirming that you are not disqualified under the Regulations from working in this Trust. Please return this form in a sealed envelope, to your Head Teacher.

<b>Name</b>		<b>Post</b>	
<b><i>Please circle one option for every question</i></b>			
<b>Section 1 – Orders or other restrictions</b>			
Have any childcare orders or other determinations been made in respect of you?			YES / NO
Have any childcare orders or other determinations been made in respect of a child in your care?			YES / NO

Have any orders or other determinations been made which prevents you from being registered in relation to childcare, children's homes or fostering?	YES / NO
Are there any other relevant orders, restrictions or prohibitions in respect of you as set out in the 2018 Regulations? Download the guidance <a href="#">here</a> .	YES / NO
Are you barred from working with Children (Disclosure and Barring DBS)?	YES / NO
<b>Teaching Staff Only:</b> Are you prohibited from teaching by the Teaching Regulation Agency (TRA)	YES / NO

<b>Section 2 – Specified and Statutory Offences</b>	
Have you been cautioned (including a reprimand or warning) or have you ever been convicted of:	
<ul style="list-style-type: none"> <li>Any offence against or involving a child? (A child is a person under the age of 18)?</li> </ul>	YES / NO
<ul style="list-style-type: none"> <li>Any violent* or sexual offence against an adult? *a violent offence in this context is murder, manslaughter, kidnapping, false imprisonment, ABH, GBH</li> </ul>	YES / NO
<ul style="list-style-type: none"> <li>Any offence under the Sexual Offences Act?</li> </ul>	YES / NO
Any other relevant offence? Download guidance <a href="#">here</a> .	YES / NO
Have you ever been cautioned, reprimanded, given a warning for or convicted of any similar offence in another country?_	YES / NO

<b>Section 3 – Provision of Information</b>
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If you have answered YES to any of the questions above you should provide details below. You may supply this information separately if you so wish, but you must do so without delay.\*

Details of the order, restriction, conviction, caution	
The date(s) of these	
The relevant court(s) or body(ies)	

<b>Section 5 – Declaration</b>
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In signing this form, I confirm that the information provided is true to the best of my knowledge and that:

- I understand my responsibilities to safeguard children.
- I understand that I must notify my Principal immediately of anything that affects my suitability including any pending court appearances, cautions, warnings, convictions, orders or other determinations made in respect of me that may render me disqualified from working with children

Signed			
Print Name		Date	

\*In accordance with the GDPR Personal data, including any details of the person's criminal record, should not be held without consent from the individual. In instances where an individual does not consent, schools should only record the date the declaration was made,

details of any additional safeguarding restrictions, and whether or not an Ofsted waiver has been granted.