



ARNOLD LODGE
4 - 18 yrs Co-educational Independent Day School

Code of Conduct

For all staff and volunteers in school including EYFS

This document is based upon the document Keeping Child Safe in Education (KCSIE).

Approved by the Directors: April 2018

Next review date: August 2019

I declare that I have read and understood the Code of Conduct.

Name _____

Date _____

Signature _____

This policy is part of a portfolio of policies associated with 'Safeguarding' and must therefore, be read in conjunction with the other policies. All policies are available on the website or in school.



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For further information, please contact your line manager, the school office or the school's Designated Safeguarding Lead (Ms Penny Partridge).



I. Overview

I.1. Introduction

All employees have personal and legal responsibilities, including treating others with dignity and respect; acting honestly, using school equipment appropriately, adhering to health and safety guidelines and practising equal opportunities at all times. These expectations are set out below and should be fully observed by all staff, including the Head Teacher and Senior Leadership team and any volunteers permitted to work in the school.

This document highlights the principal areas and responsibilities that employees need to be aware of when working in a school and is a framework for appropriate and safe behaviour. Employees should ensure they are familiar with other specific policies that underpin these behaviours, which are referred to as “Required Reading” throughout the code of conduct.

If these documents are not made available at induction, the employee should ask the school for copies.

I.2. Compliance with the Code of Conduct

This Code of Conduct (the Code) forms part of an employee’s contract of employment. Failure to comply with it and with the associated school policies (“Required Reading”) may result in disciplinary action being taken where breaches of the Code warrant such action.

The Code will be provided for all staff and volunteers (either electronically or by providing a paper copy) to read before they commence work at the school. Before having any contact with pupils, all staff and volunteers should be given an opportunity to discuss the Code with a member of the school leadership team and ask any questions in order to clarify understanding. Staff should then be asked to sign a pro forma to confirm that they have read, understood and agree to comply with the Code.

I.3. Treating other people with dignity and respect

All employees are expected to treat other colleagues, pupils, parents and external contacts with dignity and respect and to comply with all relevant school policies. Unacceptable behaviour such as discrimination, bullying, harassment or intimidation will not be tolerated at Arnold Lodge. This includes physical and verbal abuse and use of inappropriate language or unprofessional behaviour with colleagues, pupils and parents.

I.4. Background

All adults who come into contact with children and young people in their work have a duty of care¹ to safeguard and promote their welfare.

The Education Act 2002 (section 175), the Education (Independent School Standards) (England) Regulations 2010 as amended by SI 2012/2962 and the Education (Non-Maintained Special Schools)

¹ The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care



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(England) Regulations 2011 place duties upon all schools and colleges to carry out their duties with regard to safeguarding and promoting the welfare of children.

The Children Act 2004², places a duty on organisations to safeguard³ and promote the well-being of children and young people. This includes the need to ensure that all adults who work with or on behalf of children and young people in these organisations are competent, confident and safe to do so.

Keeping Children Safe in Education (DfE 2016) defines safeguarding as 'protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes'.

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children and young people in their care. However, we recognise that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of adults can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children. It is therefore essential that all possible steps are taken to safeguard children and young people and ensure that the adults working with them are safe to do so.

The duty to promote and safeguard the wellbeing of children is in part, achieved by raising awareness of illegal, unsafe and inappropriate behaviours.

Whilst every attempt has been made to cover a wide range of situations, we recognise that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by school. It is expected that in these circumstances, staff and volunteers will always advise school leaders of the justification for any such action already taken or proposed.

The policy has due regard to current legislation and statutory guidance.

1.5. What to do if you are worried a child is being abused

Staff and volunteers must be familiar with the Arnold Lodge's child protection policy.

If a member of staff or a volunteer has a concern about a child they should raise that concern with the school's designated safeguarding lead (Miss Penny Partridge).



Concerns about abuse which may involve staff members must be referred to the Head Teacher.

If, at any point, there is a risk of immediate serious harm to a child a referral should be made to children's social care immediately. Anybody can make a referral. If the child's situation does not appear to be improving the staff member/volunteer with concerns should press for re-consideration.

2. Using this Code of Conduct

2.1. Status of Document

This Code is the school's Staff Behaviour Policy (code of conduct) as required by *Keeping Children Safe in Education* (DfE 2016).

2.2. Purpose of Guidance

It is important that all adults working with children understand that the nature of their work and the responsibilities related to it, place them in a position of trust. This Code provides clear advice on appropriate and safe behaviours for all adults working with children in paid or unpaid capacities in schools and other education settings. The guidance aims to:

- keep children safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- assist adults working with children to work safely and responsibly and to monitor their own standards and practice;
- support school staff in setting clear expectations of behaviour in schools;
- support the school management in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
- support safer recruitment practice;
- minimise the risk of misplaced or malicious allegations made against adults who work with children and young people;
- reduce the incidence of positions of trust being abused or misused.

The Local Authority Designated Officer (LADO) should be informed within one working day of all allegations that a member of staff or volunteer has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.



2.3. Underpinning Principles

- The welfare of the child is paramount.⁴
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.
- Adults who work with children are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Adults should work and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- Adults should continually monitor and review their practice and ensure they follow the guidance contained in this Code.

⁴ Children Act 1989



3. Code of Safe Working Practice and appropriate professional conduct

3.1. Context

All adults who work with children and young people have a crucial role to play in shaping their lives. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring.

3.2. 'Unsuitability'⁵

The guidance contained in this Code is an attempt to identify what behaviours are expected of adults who work with children and young people. Adults whose practice deviates from this Code may bring into question their suitability to work with children and young people.

3.3. Duty of Care

All adults who work with, and on behalf of children are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children and young people.

Whether working in a paid or voluntary capacity, these adults have a duty to keep children and young people safe and to protect them from sexual, physical and emotional harm and neglect. Children and young people have a right to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of children and young people. Failure to do so may be regarded as neglect.⁶

The duty of care is, in part, exercised through the development of respectful and caring relationships between adults and children and young people. It is also exercised through the behaviour of the adult, which at all times should demonstrate integrity, maturity and good judgement.

Everyone expects high standards of behaviour from adults who work with children and young people. When individuals accept such work, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Arnold Lodge School also has a duty of care towards its employees, both paid and unpaid, under the Health and Safety at Work Act 1974⁷. This requires them to provide a safe working environment for adults and provide guidance about safe working practices. As an employer, the school has a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. The Human Rights Act 1998 sets out important principles regarding protection of individuals from abuse by state organisations or people working for those institutions. Adults who are subject to an allegation should therefore be supported and the principles of natural justice applied.

⁵ WT 2006 Chapter 6, page 153. See also AMA document on 'Unsuitability' available Dec 07 from Allegation Management Advisers in Government Offices.

⁶ WT 2006 page Chapter 1 page 38

⁷ Health and Safety at Work Act 1974 Part 1, Section. 2 (1) and (2)



The Health and Safety Act 1974 also imposes a duty on employees⁸ to take care of themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the adult's duty of care towards children should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

3.4. Confidentiality

Adults may have access to confidential information about children and young people in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. These details must be kept confidential at all times and only shared when it is in interests of the child to do so. Such information must not be used to intimidate, humiliate, or embarrass the child or young person concerned.

If an adult who works with children is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff or the Designated Safeguarding Lead. Any actions should be in line with agreed information sharing protocols.

The storing and processing of personal information about children and young people is governed by the Data Protection Act 1998. Employers should provide clear advice to adults about their responsibilities under this legislation.

Whilst adults need to be aware of the need to listen to and support children and young people, they must also understand the importance of not promising to keep secrets. Neither should they request this of a child young person under any circumstances.

Additionally, concerns and allegations about adults should be treated as confidential and passed to a senior manager without delay.

There are circumstances in which staff are obliged to release pupil data, e.g. parents seeking information about pupil progress or other colleagues in the school. Staff should be aware that, from time to time, information about employees' salaries is matched with other public sector information (tax office records, police) in terms of a legal obligation and in order to prevent fraudulent claims.

Everyone has the right to request access to data that is held about them and such requests should be made to the Head Teacher.

3.5. Making a Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not inappropriate behaviour for adults in all circumstances. There may be occasions and circumstances in which adults have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge. Such judgements, in these circumstances, should always be recorded and shared with a senior manager or if the adult does not work

⁸ Health and Safety at Work Act 1974 Part I, Section.7



for an organisation, with the parent or carer. In undertaking these actions individuals will be seen to be acting reasonably.

Adults should always consider whether their actions are warranted, proportionate and safe and applied equitably.

3.6. Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.⁹

A relationship between an adult and a child or young person cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Adults should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

Where a person aged 18 or over is in a specified position of trust¹⁰ with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

3.7. Propriety and Behaviour

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 their workplace or indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

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.

⁹ Caring for Young People and the Vulnerable. Guidance for Preventing Abuse of Trust Home Office

¹⁰ Sexual Offences Act 2003.Sect 16-19 re-enacts and amends offence of abuse of position of trust



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

3.8. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However, adults should dress in ways which are appropriate to their role and this may need to be different to how they dress when not at work.

Adults who work with children and young people should ensure they take care to ensure they are dressed appropriately for the tasks and the work they undertake.

Those who dress in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations. In the absence of a dress code and in doubt guidance should be sought from the Head Teacher.

3.9. Personal Living Space

No child or young person should be in or invited into, the home¹¹ of an adult who works with them, unless the reason for this has been firmly established and agreed with parents / carers and senior managers.

It is not appropriate for any other organisations to expect or request that private living space be used for work with children and young people.

Under no circumstances should children or young people assist with chores or tasks in the home of an adult who works with them. Neither should they be asked to do so by friends or family of that adult.

3.10. Gifts, Rewards and Favouritism

The giving of gifts or rewards to children or young people should be part of an agreed policy for supporting positive behaviour or recognising particular achievements. In some situations, the giving of gifts as rewards may be accepted practice for a group of children, whilst in other situations the giving of a gift to an individual child or young person will be part of an agreed plan, recorded and discussed with senior manager and the parent or carer.

It is acknowledged that there are specific occasions when adults may wish to give a child or young person a personal gift. This is only acceptable practice where, in line with the agreed policy, the adult has first discussed the giving of the gift and the reason for it, with the senior manager and/or parent or carer and the action is recorded. Any gifts should be given openly and not be based on favouritism. Adults need to be aware however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or groom¹² a young person.

¹¹ This includes any home or domestic settings used or frequented by the adult

¹² grooming' – the act of gaining the trust of a child so that sexual abuse can take place.



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Adults should exercise care when selecting children and/or young people for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and subject to scrutiny.

Care should also be taken to ensure that adults do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children, young people or parents wish to pass small tokens of appreciation to adults e.g. on special occasions or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

3.11. Infatuations

Occasionally, a child or young person may develop an infatuation with an adult who works with them. These adults should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

An adult, who becomes aware that a child or young person is developing an infatuation, should discuss this at the earliest opportunity with a senior manager or parent/carer so appropriate action can be taken to avoid any hurt, distress or embarrassment.

3.12. Communication with Children and Young People (*including the Use of Technology*)

Staff and volunteers should ensure that all communications with pupils are transparent and open to scrutiny.

Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, text messaging, social networking, e-mails, digital cameras, videos, web-cams, websites and blogs.

Adults should not share any personal information with a pupil. They should not seek or respond to requests for contact with pupils via personal telephone, text, e-mail or social networking accounts. They should not request, respond to or share any personal information from or with pupils other than that which might be appropriate as part of their professional role.

Adults should also be circumspect in their communications with pupils so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to children and young people including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with senior management and parents/carers. E-mail, text or social networking communications between an adult and a pupil outside agreed protocols may lead to disciplinary and/or criminal investigations.

School e-mail and social networking accounts should only be used in accordance with the school's policy.



3.13. Social networking, personal websites and blogs

School employees must only access social networking websites for personal use (i.e. non-job related use) during work time in accordance with the school's policy.

Access to some journals, blogs and social networking sites is permitted during work time for the purposes of undertaking job related duties only. Arnold Lodge employees must act in the best interests of the school and not disclose personal data or information about any individual including members of staff, pupils, parents and professionals from external organisations. This includes images. Access may be withdrawn and disciplinary action taken if there is a breach of confidentiality or defamatory remarks are made about the school, staff, pupils, parents or professionals from external organisations.

Employees who wish to set up personal web forums, weblogs or 'blogs' must do so outside of work and not use school equipment for the purpose.

The school respects an employee's private life. However, it must also ensure that confidentiality and its reputation are protected. Employees using social networking websites, web forums, weblogs or 'blogs' in their private life;

- must refrain from identifying themselves as working for the school, in a way which has, or may have, the effect of bringing the school into disrepute.
- must not identify other school employees, children or young people without their consent.
- must not make any defamatory remarks about the school, its employees, children or young people, or conduct themselves in way that is detrimental to the school.
- disclose personal data or information about the school, employees, children or young people, that could breach the Data Protection Act 1998, for example, posting photographs or images of children or young people.
- must not allow pupils to access their personal social networking accounts and where they are contacted by a pupil they should bring it to the Head Teacher's attention.

3.14. Social Contact

Adults who work with children and young people should not seek to have social contact with them or their families, unless the reason for this contact has been firmly established and agreed with senior managers, or where an adult does not work for an organisation, the parent or carers. If a child or parent seeks to establish social contact, or if this occurs coincidentally, the adult should exercise her/his professional judgement in making a response but should always discuss the situation with their manager or with the parent of the child or young person. Adults should be aware that social contact in certain situations can be misconstrued as grooming.

Where social contact is an integral part of work duties, e.g. pastoral work in the community, care should be taken to maintain appropriate personal and professional boundaries. This also applies to social contacts made through interests outside of work or through the adult's own family or personal networks.

It is recognised that some adults may support a parent who may be in particular difficulty. Care needs to be exercised in those situations where the parent comes to depend upon the adult for support outside



their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

3.15. Sexual Contact

All adults should clearly understand the need to maintain appropriate boundaries in their contacts with children and young people. Intimate or sexual relationships between children/young people and the adults who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

Any sexual activity between an adult and the child or young person with whom they work may be regarded as a criminal offence and will always be a matter for disciplinary action.

Children and young people are protected by specific legal provisions regardless of whether the child or young person consents or not. The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Working Together to Safeguard Children'13, defines sexual abuse as “forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening”.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. Adults should be aware that consistently conferring inappropriate special attention and favour upon a child might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

3.16. Physical Contact

Many jobs within the children's workforce require physical contact with children as part of their role. There are also occasions when it is entirely appropriate for other adults to have some physical contact with the child or young person with whom they are working. However, it is crucial that in all circumstances, adults should only touch children in ways which are appropriate to their professional or agreed role and responsibilities.

Not all children and young people feel comfortable about physical contact, and adults should not make the assumption that it is acceptable practice to use touch as a means of communication. Permission should be sought from a child or young person before physical contact is made. Where the child is very young, there should be a discussion with the parent or carer about what physical contact is acceptable and/or necessary.

When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different

¹³ Working Together to Safeguard Children. A guide to interagency working to safeguard and promote the welfare of children HM Government 2006



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child. Adults, nevertheless, should use their professional judgement at all times, observe and take note of the child's reaction or feelings and – so far as is possible - use a level of contact and/or form of communication which is acceptable to the child for the minimum time necessary.

Physical contact which occurs regularly with an individual child or young person is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed plan or within the parameters of established, agreed and legal professional protocols on physical contact e.g. sport activities or medical procedures. Any such arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If an adult believes that their action could be misinterpreted, or if an action is observed by another as being inappropriate or possibly abusive, the incident and circumstances should be reported to the Designated Safeguarding Lead and an appropriate record made. Parents/carers should also be informed in such circumstances.

Where a child seeks or initiates inappropriate physical contact with an adult, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the child and advice and support given to the adult concerned.

It is recognised that some children who have experienced abuse may seek inappropriate physical contact. Adults should be particularly aware of this when it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to some actions being misinterpreted. In all circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to sensitively deter the child and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager and the parent/carer.

3.17. Other Activities that require Physical Contact

Adults who work in certain settings, for example sports, drama or outdoor activities will have to initiate some physical contact with children, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child so they can perform an activity safely or prevent injury. Such activities should be carried out in accordance with existing codes of conduct, regulations and best practice.

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear to the parent/carer and once agreed, should be undertaken with the permission of the child/young person. Contact should be relevant to their age or understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

Guidance and protocols around safe and appropriate physical contact are provided by national



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organisations, for example sports governing bodies or major arts organisations, or the employing organisation and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent or carer.

It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers, children and young people informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

3.18. Behaviour Management

All children and young people have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

Adults should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children and young people is not acceptable in any situation. Any sanctions or rewards used should be part of a behaviour management policy which is widely publicised and regularly reviewed.

The use of corporal punishment is not acceptable and whilst there may be a legal defence for parents who physically chastise their children, this does not extend, in any circumstances, to those adults who work with or on behalf of children and young people.

Where children display difficult or challenging behaviour, adults must follow the behaviour policy outlined by Arnold Lodge, and use strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

Where a child has specific needs in respect of particularly challenging behaviour, a positive handling plan may be drawn up and agreed by all parties. Only in these circumstances should an adult deviate from the behaviour management policy of the organisation.

3.19. Use of Control and Physical Intervention

There are circumstances in which adults working with children displaying extreme behaviours can legitimately intervene by using either non-restrictive or restrictive physical interventions. This is a complex area and adults and organisations must have regard to government guidance and legislation and the policies and practice of their specific organisation.

The use of physical intervention should, wherever possible, be avoided. It should only be used to manage a child or young person's behaviour if it is necessary to prevent personal injury to the child, other children or an adult, to prevent serious damage to property or in what would reasonably be regarded as exceptional circumstances. When physical intervention is used it should be undertaken in such a way that maintains the safety and dignity of all concerned



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The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they may cause. The minimum necessary force should be used and the techniques deployed in line with recommended policy and practice.

Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to all adults and organisations working with children and young people requires that reasonable measures are taken to prevent children being harmed. The use of unwarranted physical force is likely to constitute a criminal offence.

In all cases where physical intervention is employed the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the child or young person. The parents/carers should be informed the same day.

3.20. Children and Young People in Distress

For all adults working with children there will be occasions when a distressed child needs comfort and reassurance and this may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. Adults should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

Where an adult has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager and parents/carers.

3.21. Intimate Care

Some job responsibilities necessitate intimate physical contact with children on a regular basis, for example assisting young children with toileting, providing intimate care for children with disabilities or in the provision of medical care. The nature, circumstances and context of such contact should comply with professional codes of practice or guidance and/or be part of a formally agreed plan, which is regularly reviewed. The additional vulnerabilities that may arise from a physical or learning disability should be taken into account and be recorded as part of an agreed care plan. The emotional responses of any child to intimate care should be carefully and sensitively observed, and where necessary, any concerns passed to senior managers and/or parents/carers.

All children have a right to safety, privacy and dignity when contact of a physical or intimate nature is required and depending on their abilities, age and maturity should be encouraged to act as independently as possible.

The views of the child should be actively sought, wherever possible, when drawing up and reviewing formal arrangements. As with all individual arrangements for intimate care needs, agreements between the child, parents/carers and the organisation must be negotiated and recorded.

3.22. Personal Care



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Young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard young people and/or satisfy health and safety considerations. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

Adults need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the children and young people with whom they work.

3.23. First Aid and Administration of Medication

It is expected that adults working with children and young people should be aware of basic first aid techniques. It is not however, a contractual requirement and whilst adults may volunteer to undertake such tasks, they should be suitably trained and qualified before administering first aid and/or any agreed medication.

When administering first aid, wherever possible, adults should ensure that another adult is aware of the action being taken. Parents should always be informed when first aid has been administered. In circumstances where children need medication regularly a health care plan should have been established to ensure the safety and protection of children and the adults who are working with them. Depending upon the age and understanding of the child, they should where appropriate, be encouraged to self-administer medication or treatment including, for example any ointment, use of inhalers (medication will always be held within the school office – pupils should not carry their own medication around school).

3.24. One to One Situations

It is not realistic to state that one to one situations should never take place. It is however, appropriate to state that where there is a need, agreed with a senior manager and/or parents/carers, for an adult to be alone with a child or young person, certain procedures and explicit safeguards must be in place. This also applies to those adults who do not work as part of an agency or organisation but owe a duty of care to the child or young person because of the nature of their work.

One to one situations have the potential to make the child/young person more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with children and young people may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure the safety and security of children and young people and the adults who work with them.

There are occasions where managers will need to undertake a risk assessment in relation to the specific nature and implications of one to one work. These assessments should take into account the individual needs of the child/young person and the individual worker and any arrangements should be reviewed on a regular basis.

Meetings with children and young people outside agreed working arrangements should not take place without the agreement of senior managers and parents or carers.



3.25. Home Visits

A risk assessment should include an evaluation of any known factors regarding the child/young person, parents and others living in the household. Risk factors such as hostility, child protection concerns, complaints or grievances can make adults more vulnerable to an allegation. Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following an assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no information is available, visits should not be made alone. There will be occasions where risk assessments are not possible or not available, e.g. when emergency services are used. In these circumstances, a record must always be made of the circumstances and outcome of the home visit. Such records must always be available for scrutiny.

Under no circumstances should an adult visit a child in their home outside agreed work arrangements or invite a child to their own home or that of a family member, colleague or friend. If in an emergency, such a one-off arrangement is required, the adult must have a prior discussion with a senior manager and the parents or carers and a clear justification for such arrangement is agreed and recorded.

3.26. Transporting Children and Young People

There will be occasions when adults are expected or asked to transport children as part of their duties. Adults, who are expected to use their own vehicles for transporting children should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded.

It is a legal requirement that all passengers should wear seat belts and it is the responsibility of the staff member to ensure that this requirement is met. Adults should also be aware of current legislation and adhere to the use of car seats for younger children. Where adults transport children in a vehicle which requires a specialist license/insurance e.g. PCV or LGV14- staff should ensure that they have an appropriate licence and insurance to drive such a vehicle.

It is inappropriate for adults to offer lifts to a child or young person outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/carers.

There may be occasions where the child or young person requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

3.27. Trips and Outings

Adults should take particular care when supervising children and young people on trips and outings, where the setting is less formal than the usual workplace. Adults remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries.

¹⁴ For further information see www.dvla.gov.uk



Where activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Children, young people, adults and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings must pay careful attention to ensuring safe staff/child ratios and to the gender mix of staff especially on overnight stays.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual workplace.

3.28. Photography and Videos

Working with children and young people may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well-being of children and young people. Informed written consent from parents or carers and agreement, where possible, from the child or young person, should always be sought before an image is taken for any purpose. Any pictures or videos taken must be on authorised school equipment and for school use only.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings.

It is not appropriate for adults to take photographs of children for their personal use.

3.29. Access to Inappropriate Images and Internet Usage

There are no circumstances that will justify adults possessing indecent images of children. Adults who access and possess links to such websites will be viewed as a significant and potential threat to children. Accessing, making and storing indecent images of children on the internet is illegal. This will lead to criminal investigation and the individual being barred from working with children and young people, if proven.

Adults should not use equipment belonging to their organisation to access adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work with children.

Adults should ensure that children and young people are not exposed to any inappropriate images or web links. Organisations and adults need to ensure that internet equipment used by children have the appropriate controls with regards to access. e.g. personal passwords should be kept confidential.

Where indecent images of children or other unsuitable material are found, the police and Local Authority Designated Officer (LADO) should be immediately informed. Adults should not attempt to investigate



the matter or evaluate the material themselves, as this may lead to evidence being contaminated which in itself can lead to a criminal prosecution.

3.30. Public Interest Disclosure (Whistle blowing)

Whistle blowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. Each employer should have a clear and accessible whistle blowing policy that meets the terms of the Public Interest Disclosure Act 1998. Adults who use the Public Interest Disclosure (Whistle Blowing) Policy should be made aware that their employment rights are protected.

Adults should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of children may be at risk. Please see the Whistle Blowing Policy for more information.

3.31. Sharing Concerns and Recording Incidents

Individuals should be aware of Arnold Lodge's child protection procedures, including procedures for dealing with allegations against adults. All allegations must be taken seriously and properly investigated in accordance with local procedures and statutory guidance. Adults who are the subject of allegations should contact their professional association.

In the event of any allegation being made, to someone other than a manager, information should be clearly and promptly recorded and reported to a senior manager without delay.

Adults should always feel able to discuss with their line manager any difficulties or problems that may affect their relationship with children and young people so that appropriate support can be provided or action can be taken.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of adults working with or on behalf of children and young people.

3.32. Tutoring of School Pupils

3.32.1. Independent Tutoring

Teachers, who undertake tutoring on a self-employed basis, should ensure that they do not tutor children from their own classes as this will be a conflict of interest. Teachers must also inform your Head Teacher if you undertake tutoring of children within your school and always ensure you have the parents' / carers' consent. If your school has its own policy on this you should comply with the school policy.

3.32.2. One-to-One Tuition

The above paragraph does not apply where tutors employed by the authority or a school are undertaking tuition under the one-to-one tuition programme, where pupils and tutors are identified by the school.

3.33. Professional behaviour

Employees must not misuse or misrepresent their position, qualifications or experience or bring the reputation of the school into disrepute. Such behaviour may lead to disciplinary action and where



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relevant, referral to the Disclosure and Barring Service or in the case of a teachers professional misconduct the National College of Teaching and Learning (NCTL).

3.34. Criminal actions

School employees must inform the Head Teacher (Director if the employee is the Head Teacher) immediately if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution. The Head Teacher or Director will discuss this with the employee in the context of their role and responsibilities in order to help safeguard children and other employees at the school.

Required reading:

- School's Child Protection policy and procedures
- Teacher Standards

3.35. Declaration of interests

An employee is required to declare where a group or organisation they are associated with would be considered to be in conflict with the ethos of the school. Membership of a trade union or staff representative group would not need to be declared. Employees should also consider carefully whether they need to declare to the school their relationship with any individual(s) where this might cause a conflict with school activities. For example, a relationship with a Director, another staff member or a contractor who provides services to the school.

Failure to make a relevant declaration of interests is a serious breach of trust and therefore if employees are in doubt about a declaration, they are advised to take advice from their Head Teacher or trade union.

All declarations, including nil returns, should be submitted in writing to the Head Teacher on a school Register of Business Interests.

3.36. Probity of records and other documents

The deliberate falsification of documents is not acceptable. Where an employee falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence. Where an employee who has claimed any benefit, including housing benefit, either directly or indirectly and has failed to disclose their full earnings, this will be investigated as a potential gross misconduct allegation and the employee may be dismissed and referred to the Police.

3.37. Financial inducements

3.37.1. Financial Regulations for schools

All school employees must comply with the school's Financial Regulations. Employees should familiarise themselves with the regulations but some of the principal employee requirements are summarised below.

3.37.2. Business Contacts

"Business contact" refers to any person, body or organisation with which the school is involved on a financial or charitable basis (including contractors; developers; consultants; regional or national



charities). This also includes business contacts who are potential suppliers (e.g. they are tendering for future business).

3.37.3. Declaration of gifts

Any single gifts of value above £50 that are received should be declared in writing to the Head Teacher with the exception of those items specifically identified in sections below. This document shall remain available for inspection by the Directors and local authority's Internal Audit team where it is the employer.

3.37.4. Gifts or hospitality to an employee

Where a business contact offers a personal gift, personal payment or other incentive such as secondary employment to an employee, these should not be accepted and should be returned with a suitable official letter. Such offers should be declared to the Head Teacher and recorded by HR.

If it is not possible to return gifts then the employee who deals with that supplier should declare the gift to the Head Teacher who will keep a record of it and decide how it is to be used. Such gifts remain the property of the school and should be included in the Register of Gifts and Hospitality.

The only exceptions to these are:

- Low cost, functional items suitable for business use rather than personal use and displaying the supplier's logo e.g. diaries, calendars and pens. These items may be accepted and do not have to be included in the Register of Gifts and Hospitality.
- Gifts offered by parents or students to school staff to express their thanks, such as boxes of chocolates, however, only gifts with an individual value of £50 or less may be accepted. Such gifts do not have to be declared in writing to the Head Teacher or be included in the Register of Gifts and Hospitality. For the avoidance of doubt employees must always refuse gifts of money.

Where hospitality in the form of meals and drinks is offered by a business contact, this is only acceptable where it forms part of a normal business meeting (for example, refreshments at training events or meals at evening meetings). Offers of hospitality to specific events, such as a dinner or sporting event, should only be accepted after authorisation from the Head Teacher. These would normally only be approved where there is a clear and demonstrable benefit to the school and the hospitality would not expose the school to criticism that the business contact was exerting undue influence. These should be recorded in the Register of Gifts and Hospitality.

Visits by employees to exhibitions, demonstrations, conferences, business meals and social functions in connection with the school's business and authorised by the school, shall be at the school's expense.

3.37.5. Gifts or hospitality to the school

Where a business contact sends a gift to the school (for example, a stationery supplier sending a gift), these should not be accepted and should be returned to the supplier. Such offers should be declared to the Head Teacher.



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If it is not possible to return the gift, the employee who usually deals with the supplier should declare the gift to the Head Teacher who will keep a record of it and decide how it is to be used. Such gifts remain the property of the school and should be included in the Register of Gifts and Hospitality. The only exceptions to this are low cost, functional items suitable for business use (as opposed to personal use), such as diaries, calendars or pens, may be accepted and do not have to be declared on the Register of Business Interests.

3.37.6. **Use of school contacts**

Apart from participating in concessionary schemes arranged by trade unions or other such groups for their members, employees shall not use school business contacts for acquiring materials or services at trade / activities.

3.37.7. **Other employment**

Employees are permitted to take up secondary employment outside the school, as long as the activity does not constitute a conflict of interest, adversely affect their primary employment at the school or exceed the legal maximum working week of 48 hours as defined by the Working Time Regulations. The secondary employment must be undertaken outside the working hours of the employee's normal post and employees are required to keep the Head Teacher (Directors if the employee is the Head Teacher) informed of their employment at other organisations.

3.38. **Health and safety**

Employees must adhere to the school's Health and Safety policy, procedure and guidance and must ensure that they take every action to keep themselves and everyone in the school environment safe and well.

This includes taking immediate safety action in a potentially harmful situation (either at school or off-site) by complying with statutory and school guidelines and collaborating with colleagues, agencies and the local authority.

Employee's must also follow specific medical guidance regarding returning to School after being absent due to a contagious illness. The usual requirements for any member of staff are that there need to be 48 clear hours after the last incident, specific guidelines are in place for food handlers and line manager advice must be sought prior to returning.

Required reading:

- School's Health and Safety Policy

3.39. **Use of alcohol and illegal drugs**

The taking of illegal drugs or alcohol during working hours is unacceptable and will not be tolerated. All employees are expected to attend work without being under the influence of alcohol or illegal drugs and without their performance being adversely impacted by the consumption of alcohol or illegal drugs.

If alcohol or drug usage impacts on an employee's working life, the school has the right to discuss the matter with the employee and take appropriate action (disciplinary/capability procedures), having considered factors such as the school or local authority's reputation and public confidence.



3.40. Use of school premises, equipment & communication systems

School equipment and systems (phone, email and computers) are available only for school-related activities and should not be used for the fulfilment of another job or for personal use. This is unless authorised by the Head Teacher (NB for the Head Teacher this is the Directors); in case of an emergency, or where used for brief periods outside of working hours.

This includes photocopy facilities, stationery and premises. It also applies to access provided for remote use (e.g. hand held portable devices etc.) and to staff working outside of school premises and using their own IT equipment. Illegal, inappropriate or unacceptable use of school equipment or communication systems may result in disciplinary action and in serious cases could lead to an employee's dismissal. This list is not exhaustive and includes;

- creating, sending or forwarding any message that would reasonably be considered inappropriate or unacceptable.
- committing or implying commitment to any contractual arrangements.
- accessing, publication or circulation of illegal, offensive, unacceptable, inappropriate or non-work related material.
- any illegal activities.
- posting confidential information about the school and/or other employees, children or parents.
- gambling or gaming.
- unauthorised use of school facilities (or employee's personal IT equipment), for personal use during employee's working time.

Employees receiving inappropriate communication or material or who are unsure about whether something h/she proposes to do might breach this policy should seek advice from their Head Teacher.

The school has the right to monitor e-mails, phone-calls, internet activity or document production, principally in order to avoid offensive or nuisance material and to protect systems from viruses, but also to ensure proper and effective use of systems. Communication systems may be accessed when the school suspects that the employee has been misusing systems or facilities, or for the investigation of suspected fraud or other irregularity.

Accredited Trade Union representatives can use school communication systems for the purposes of undertaking trade union duties and these will be treated as confidential.

Passwords should not be shared and access to computer systems must be kept confidential. Breach of this confidentiality may be subject to disciplinary action. Where appropriate the school should consider a system of proxy access. Any school equipment that is used outside school premises, for example laptops, should be returned to the school when the employee leaves employment or upon request by the Head Teacher.



Frequently Asked Questions

Q1. Why do we need to have a Code of Conduct?

A1. It is important that all employees are aware of the standards of behaviour expected by the Directors and that these standards are systematically and fairly applied. Employees also need to be aware of the potential consequences of not adhering to the code.

Q2. What happens if I breach the Code?

A2. Failure to observe the code of conduct could lead to action being taken under the Schools' Code of Conduct (Procedures). This does not preclude appropriate action being taken against an employee under other procedures for reasons other than misconduct, for example unsatisfactory performance which would be dealt with under the Capability Procedure. Please refer to both procedures for the detailed process involved and the potential outcomes which might follow a breach of the Code of Conduct.

Any breach of the code by agency staff must be referred to the agency to be dealt with.

It is not possible to cover all situations which may occur at work. Nor is it possible to state that any single incident of misconduct will always attract the same penalty, bearing in mind such factors as mitigation, previous conduct and personal circumstances.

Q3. How do I know if I am using the internet and email in the correct way?

A3. There are guidelines in the Code of Conduct. However you should make yourself aware of the guidance and the relevant policies within schools. Ask the Head Teacher or school office if you are unsure.

Q4. What do I do if I am offered a gift by a supplier or a customer?

A4. A gift of less than £50 can be seen as a 'token', for example diaries or calendars are acceptable. However, if the gift is valued at £50 or more you should refuse it. In a situation where a refusal might be difficult or considered offensive then you should consult your Head Teacher who will decide on the appropriate action.

Q5. My father in law is on the Board of Directors for one of the schools' potential contractors, what do I need to do?

A5. This would constitute a conflict of interest if you are involved in the process of awarding contracts, or had any influence with the contract. If you have such a relationship you should declare this personal interest by completing Appendix One (pro forma).

Q6. I have become involved in a close relationship with a team member who I manage. Can I continue with my normal management role?

A6. You should not be involved in any disciplinary, appraisal or any other employment decision for an employee for which you have a personal relationship. You also need to be aware that professional boundaries must be kept. If there is any disruption in the workplace or obvious favouritism, action could be taken under the appropriate procedure. If you have any doubts, please contact your manager / Head Teacher for advice.

Q7. One of the young people I work with has asked for my personal mobile number and email address. What should I do?



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A7. You should not give your personal mobile phone number or email address to a young person unless there is a specific need which has been agreed with your line manager, Head Teacher, parents or carers. However, this would be a rare occurrence. If the young person insists in their request you should speak to your line manager/ Head Teacher.

Q8. I work with a vulnerable adult who can display extreme behaviours. How should I deal with such a situation?

A8. Initially you should try to diffuse the situation. If this is not possible then you may need to consider physical intervention. Any physical intervention should be based upon a risk assessment (either formal or 'dynamic' – on spot) and be in the service-user's best interests. It must be reasonable, proportionate and considered absolutely necessary. If physical intervention is used, you must record and report the situation as soon as possible according to local arrangements.

Q9. I use social networking sites a lot in my own time, but am regularly contacted to be a 'friend' to pupils whom I teach within my school, what should I do?

A9. You need to check your security settings to make sure only those people you wish to have access to your web pages can see them. You should decline the 'friends' requests of pupils and maintain a strictly professional working relationship. If you are unsure, you should speak with your line manager / Head Teacher.

Q10. I work as a contractor and my niece has asked me for a job as a cleaner for whom I would be the line manager for. Can I recruit her?

A10. If there is a vacancy then it would need to be advertised. Your niece can choose to apply for the post, but as she is a relative you should not be involved in the recruitment and selection process as it would be considered a conflict of interest.

If your niece is appointed by another manager and you are her line manager, you must maintain a strictly professional relationship at work and you must not be involved in any employment decisions, for example, appraisals, pay decisions, etc.

Q11. If I go to the schools' Christmas party and get drunk, what business is it of school?

A11. As an employee of Council and/or school, if you partake in activities linked with work then it can be genuinely classed as an extension of your employment and we would expect you to conduct yourself appropriately. If your behaviour was influenced by alcohol and you behaved in an inappropriate way (i.e, actions against a fellow employee or member of the public, school reputational damage), this could result in disciplinary action being taken.

Q13. I work as a cleaner within a number of schools; do I need to inform each school that I am working somewhere else?

A13. You must inform the Head Teacher of each school that you work for a number of schools and the total hours that you work. If this exceeds 48 hours per week, you will need to sign an 'opt out form'. You also need to consider your work life balance and your health if you are working this number of hours.

Q13. I often let off steam via Facebook about my day at work. What business is this of the school?



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A13. There would potentially be damage to the school reputation as members of the public can access and view this. The comments could be identified with harassment if named people are linked to the school. This could result in allegations of misconduct that the school would investigate under the school's misconduct procedures.



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APPENDIX ONE

REGISTER OF BUSINESS INTERESTS FORM

Directors and staff declaration form

I wish to declare the following information in accordance with the Governing Body's requirements that a Register of Business Interests should be maintained.

Name:
Post:
Signature:
Date:
<i>You should provide full details of your declaration below, including a nil return:</i>
Declaration of relationship or contracting arrangements:
Relationships or links with businesses:
Contracts or proposed contracts (or any activity which would cause potential conflict) in which you are involved / interested:
State whether the interest is direct or indirect, and the nature of the interest:



APPENDIX TWO

REGISTER OF GIFTS AND HOSPITALITY

Directors and staff declaration form

I wish to declare the following information in accordance with the Governing Body's requirements that a Register of Gifts and Hospitality should be maintained.

Name:
Post:
Signature:
Date:
You should provide full details of your declaration below, including a nil return:
Declaration of gifts and hospitality:
Date gift received From whom Gift or hospitality: