

THE EDUCATION VILLAGE ACADEMY TRUST



CODE OF CONDUCT

Version:	Date:	Policy Owner:	Amendments made by:	Details of amendments made:	Reviewed by:	Approved by:
V0.1	20.10.2016	J Amerigo	L Greathead	Re branding		
V0.2	31.10.2016	J Amerigo	J Amerigo	Annex B Whistleblowing & Annex H Register of Business Interests updated	A Mackenzie	
V1.0				Final Version	01.11.2016	F&R
V1.1	26.03.2018	J Amerigo	Alana Mackenzie	Separated out - Whistleblowing Policy to become stand-alone Policy.		
V1.3	03.05.2018	J Amerigo	S Carrick	Social Media added to policy	J Amerigo	
V1.4	11.09.2018	J Amerigo	S Carrick	Policy updated from Avec model to reflect new legislation		
V1.5	13.11.18	J Amerigo	JAM/EDU	Reviewed	Mike Butler	
V1.6	13.12.2018	J Amerigo	Wendy Turpin	Incorporation of Mike Butler's changes & review against V1.1		
V1.7	11.03.19	J Amerigo		Updated Annex I with amended Disqualification regulations		
V1.8	02.06.19	J Amerigo	Wendy Turpin	Incorporation of Mike Butler's comments		
V2.0	18.07.19	J Amerigo	Wendy Turpin	Final version following BoD approval	BoD	11.07.2019
V2.1	25.02.20	J Amerigo	J Amerigo	Policy now reviewed every year	L Ozdemir & J Amerigo	
V2.2	March 20	J Amerigo	J Amerigo			
V2.3	27.04.20	J Amerigo	W Turpin	Changes following CEO Review		
V2.4	14.9.20	J Amerigo	C Knights	Changes following Trustee feedback	M Butler & Trustee (THG)	

V3.0	28.09.20	J Amerigo	C Knights	FINAL VERSION	THG	Trustees 25.09.20
V4.0	16.07.21	M Roe	E Duffy	Policy reviewed every year	Trustees	
V5.0	23.09.21	M Roe	E Duffy	Policy reviewed in line with KCSIE update	Trustees	
V6.0	08.10.21	M Roe	W Turpin	Final version	BoT	07.10.2021
V6.1	13.10.21	M Roe	W Turpin	Minor amendment to Alcohol & No Smoking Paras 39 & 39	Marie Roe	
V6.2	24.05.22	R Inchiliffe	A Mackenzie	Minor amendment Updated Appendix D (Hospitality Register.	W. Turpin / Sent to Policy Owner 25.05.22	
V6.3	28.11.22	R Inchiliffe	W Turpin	Removal of Annex A & F relating to Governors		
V7.0	09.03.23	R Inchiliffe	W Turpin	Final version following review FARRC	FARRC	03.03.23

Monitoring and review

This policy is reviewed every **year** by the Policy Owner: **Rachel Inchiliffe**

The scheduled review date for this policy is **February 2024**.

Values and Ethos

Our values and ethos are inclusive and child centred. Our Trust is founded on the principles of inclusivity, diversity and fairness, and they are fundamental to our delivery of exceptional learning experiences.

EVAT stands for:

- **E**xcellence and high standards
 - a can-do culture and no-excuses ethos
- **V**alues driven with a deep sense of purpose
 - putting children and young people first
 - behaving ethically
- **A**mbition and aspiration for all
 - irrespective of background or barriers – being truly inclusive
- **T**eamwork
 - we do more, better and faster, together

We are a village. We collaborate, with our learners, their families and our communities, to provide exceptional education so that all the children and young people we serve achieve the best possible outcomes.

Our Ethos is to:

- Create a nurturing and friendly atmosphere and provide an environment where everyone feels valued for who they are
- Bring out the best in every child and young person and meet the full range of their individual needs
- Provide different and unique experiences, challenges and activities
- Show tolerance and respect for each other
- Prepare our children and young people for lifelong learning
- Improve the life chances of every child and young person we serve.

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N.B. Where reference is made to an 'Academy' or a 'School' the intention is that the policy is universal and applies to both. Any reference to Principal may also include Executive Principal, Head of School or another member of ELT or SLT.

CODE OF CONDUCT FOR TRUST EMPLOYEES

1. PURPOSE

- 1.1 High standards of professional conduct are important in our Trust as they reflect ethos and have a major impact on the achievement of our strategic objectives. The purpose of having a Code of Conduct is to:
- make a clear statement about the standards of conduct expected of employees of the Trust;
 - ensure the highest standards of conduct by identifying Trust standards which sit alongside professional codes and guidelines;
 - help all employees to act in a way which upholds the Trust's standards and at the same time, protect them from criticism, misunderstanding or complaint;
 - help build trust between the Trust and the people who come into contact with those working for it.

2. SCOPE

- 2.1 This Code of Conduct applies to:
- All employees of the Trust centrally employed Trust staff and volunteers.
 - Individuals providing services for the Trust e.g. contractors, agencies, self-employed people, and those working for the Trust as part of partnerships with the Trust.
- 2.2 All employees and volunteers will be supplied with a copy of this Code, against which their conduct will be measured.
- 2.3 The term “manager / supervisor” is used throughout the Code to refer to all line managers, including the Chief Executive, Chief Operating Officer, Executive Principal, Principal, other member of the Executive Leadership Team, senior or wider leadership teams, as relevant in each academy or the Trust Support Team.
- 2.4 The term ‘employee’ is used throughout the code but should be taken to refer to both employees and volunteers as appropriate.

3. STANDARDS AND ATTITUDE

- 3.1 All employees of the Trust are expected to give the highest possible standard of service to pupils, members of the public, governors, trustees, members and fellow employees.
- 3.2 The attitude of employees in dealing with people reflects on the Trust, so it is important that they are helpful, polite and courteous. People's impression of the Trust is strongly influenced by the views of the people who work for it. Whether or not employees are aware of it, the comments they make will be accepted by others. Employees, therefore, need to carefully consider the effect of what they say and how they say it.
- 3.3 All employees are expected to report to their manager or supervisor any perceived or anticipated impropriety, or any breach of procedure or policy of the Trust.

- 3.4 In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct that may give rise to suspicion.
- 3.5 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

4.1 Honesty, Integrity, Impartiality and Objectivity

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

4.2 Accountability

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

4.3 Respect for Others

All employees must:

- treat others with respect;
- not discriminate unlawfully against any person; and
- treat those in a governance role professionally.

4.4 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.

4.5 Personal Interests

All employees must not in their official or personal capacity:

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

4.6 Declaring Interests

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

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

4.7 **Openness**

All employees must NOT:

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

4.8 **Duty of Trust**

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

4.9 **Safeguarding**

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

5. **CONFIDENTIALITY AND DISCLOSURE OF INFORMATION**

5.1 The Trust recognises the importance of an open, transparent culture with clear communication and accountability. It is the Trust's aim to be as open as possible about all its activities. The law requires that certain types of information must be available to auditors, government departments, service users and the public. Different rules apply in different situations. If an employee is in any doubt as to whether they can release any particular information, they should always check with their Principal, Executive Principal, or the Chief Executive¹ first. See Para 4.2 of the Confidential Reporting (Whistleblowing) Policy.

5.2 The confidentiality of information received in the course of an employee's duties should be respected and must never be used for personal or political gain. Employees must not knowingly pass information on to others who might use it in such a way. If an employee believes that information should be disclosed in the public interest, they should follow the Confidential Reporting Policy before doing so (see below). Failure to do so may result in disciplinary action being taken.

5.3 Employees must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, information which is stored, whether on computer systems or manually, must only be disclosed in accordance with the Trust's GDPR Data Protection Policy.

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

¹ The Principal, Executive Principal, the Chief Operating Officer or the Chief Executive can delegate duties to other members of the Leadership Team. In cases relating to the interests of the Principal or Executive Principal, matters should be referred to the Chief Executive Officer.

6. CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

- 6.1 Employees are often the first to realise that there may be something seriously wrong within the Trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. 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.
- 6.2 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees (and those associated with the Trust) who have serious concerns about any aspect of the Trust's work are expected to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 6.3 In order to ensure that this can happen, the Trust has adopted a Confidential Reporting (Whistleblowing) Policy.
- 6.4 The Confidential Reporting (Whistleblowing) Policy is intended to provide a confidential way for employees and others who have serious concerns about any aspect of the Trust's work or activities to come forward and voice those concerns.
- 6.5 The policy applies to all employees and those contractors working for the Trust on School premises: for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Trust in their own premises.
- 6.6 The policy is in addition to the Trust's complaints procedures and other statutory reporting procedures.
- 6.7 The policy has been discussed with the relevant trade unions and professional organisations and has their support.

7. POLITICAL NEUTRALITY

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

8. RELATIONSHIPS WITH PUPILS

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

9. SAFEGUARDING OF PUPILS

9.1 Employees must have a duty to safeguard pupils from:

- Physical abuse;
- Sexual abuse; • Emotional abuse;
- Neglect.

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

9.3 Employees have a duty to report if they believe if any other member of staff or volunteer has:

- behaved in a way that has **harmed**² a child, or may have harmed a child
- possibly committed a criminal offence **against or related to a child**
- behaved towards a child or children in a way that indicates he or she may pose a risk **of harm** to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

9.4 Employees should also report low-level concerns – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the Trust may have acted in a way that:

Is inconsistent with the Trust's code of conduct, including inappropriate conduct outside of work; and

- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone or other device
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language.

9.5 All concerns should be reported to a Principal, or in the absence of a Principal, the relevant Designated Safeguarding Lead or Deputy Designated Safeguarding Lead.

² The Children Act 1989 defines 'harm' as "ill-treatment or the impairment of health or development". 'Development' means physical, intellectual, emotional, social or behavioural development; 'health' means physical or mental health; and 'ill-treatment' includes sexual abuse and forms of ill-treatment which are not physical. As a result of the Adoption and Children Act 2002, the definition of harm also includes "impairment suffered by hearing or seeing the ill-treatment of another".

10. BULLYING AND HARASSMENT

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

11. APPOINTMENT OF STAFF

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

11.2 In order to avoid any possible accusation of bias, employees must not become involved in any appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, if they are a 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 the Trust.

11.3 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.

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

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

11.6 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 Manager. Any information declared or disclosed should be recorded on both employees' personal files and treated in strict confidence.

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

12. THE LOCAL COMMUNITY AND SERVICE USERS

12.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient service delivery to that community in accordance with the policies of the Trust. This may involve dealing with troubled, angry and frustrated parents and carers,

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

13. CONTRACTORS

- 13.1 All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to the Principal at the earliest opportunity.
- 13.2 Orders and contracts must be awarded in accordance with the Trust's Finance Policy and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

14. OUTSIDE COMMITMENTS

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

15. CONDUCT

- 15.1 Whether in or outside work, employees must not conduct themselves in any way that creates doubt as to their suitability for their post or brings the Trust into disrepute. This includes conduct that would bring into question their suitability to work with children.
- 15.2 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.
- 15.3 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.
- 15.4 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.
- 15.5 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 workplace.

16. DRESS AND APPEARANCE

- 16.1 An employee's dress and appearance are matters of personal choice and self-expression. However, employees should consider the manner of dress and appearance appropriate to their role, which may be different to that adopted in their personal life.

16.2 Employees who work with pupils should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress inappropriately, or appear in a manner that could be considered as inappropriate could render themselves vulnerable to criticism or allegations.

16.3 This means employees should wear clothing which:

- is appropriate for their role;
- is not likely to be viewed as offensive, revealing or sexually provocative;
- does not distract, cause embarrassment or give rise to misunderstanding;
- is absent of any political or otherwise contentious slogans;
- is not considered to be discriminatory.

16.4 Jewellery / piercings must be removed where they are a risk to health and safety or where their appearance may be considered inappropriate.

16.5 Tattoos should be covered during the working day.

17. ADDITIONAL WORK

17.1 Employees are able to undertake paid or unpaid (voluntary) 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 complete a form requesting permission from their Principal before taking any outside employment. Forms are available on the Trust intranet (Frog).

17.2 The Trust will not unreasonably stop employees from undertaking additional employment, but this employment must not, in the Trust's view, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business.

17.3 An employee who wishes to take on additional work must ensure that:

- (a) 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. (Details of the Working Time Regulations are available from the People Team).
- (b) the outside work does not place the employee in a position where their duties and private interests' conflict.
- (c) the outside work does not damage, or potentially damage, public confidence in the Trust's conduct or business.

18. ADDITIONAL WORK (INTERNAL)

18.1 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. Where approval is given any payments will be made in accordance with the Trust's Pay Policy.

19. REFUSAL OF A REQUEST TO TAKE ON ADDITIONAL WORK

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

20. BOOKS, TRAINING MATERIALS AND INTELLECTUAL PROPERTY RIGHTS

20.1 If an employee writes a book for payment on subjects relating to their work for the Trust they must seek the permission of the Trust in writing through the Principal.

20.2 The Trust retains intellectual property rights for work undertaken by employees. Research, reports, designs, drawings, Internet publishing e.g. blogs, 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.

21. PATENTS AND INVENTIONS

21.1 Any matter, or thing capable of being patented under the Patents Act 1977, made, developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the Trust through the Principal and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Trust.

22. COMPUTER USE

22.1 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

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

23.2 Guidance documents exist within the Trust in relation to the use of computers and information technology. Employees must be familiar with and abide by the Trust's Policy on computer use.

23.3 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 in the Trust related to outside work or private interests.

23.4 An employee who is aware of, or suspects, that abuse of computers, email or the Internet is taking place is under a duty to report this immediately under the Trust's Confidential Reporting (Whistleblowing) Policy (see paragraph 6 above).

23.5 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 MEDIA

24.1 The growing popularity of personal web logs (blogs), twitter and social networking sites, may raise issues for the Trust, particularly where employees choose to write about their work and the Trust in which they are employed. The below refers to the use of all forms of social media, including Facebook, LinkedIn, Twitter, Google+, Wikipedia, Whisper, Instagram, Vine, Tumblr and all other social networking sites, internet postings and blogs. It applies to use of social media for Trust purposes as well as personal use that may affect our Trust in any way.

24.2 Social media should never be used in a way that breaches any of the Trust's other policies. If an Internet post would breach any of our policies in another forum, it will also breach them in an online forum. For example, you are prohibited from using social media to:

- breach our e-safety and Data Security Policy;
- breach our obligations with respect to the rules of relevant regulatory bodies;
- breach any obligations contained in those policies relating to confidentiality;
- breach our Disciplinary Policy;
- harass or bully other staff in any way;
- unlawfully discriminate against other staff or third parties;
- breach our GDPR Data Protection Policy (for example, never disclose personal information about a colleague online); or
- breach any other laws or regulatory requirements.

24.3 Staff should never provide references for other individuals on social or professional networking sites, as such references, positive and negative, can be attributed to the Trust and create legal liability for both the author of the reference and the Trust.

24.4 Staff who breach any of the above policies may be subject to disciplinary action up to and including termination of employment.

Personal Use of Social Media

24.5 You must avoid making any social media communications that could damage the reputation of the Trust, whether directly or even indirectly.

24.6 You must not:

- use social media to defame or disparage the Trust, Trustees, Governors, our staff, our pupils, parents or any third party;
- use social media to harass, bully or unlawfully discriminate against Trustees, Governors, staff, pupils, parents or third parties;
- use social media to make false or misleading statements;
- use social media to impersonate pupils, parents, colleagues or third parties;
- use social media to contact any pupil (unless prior written consent has been provided);
- use social media to potentially bring the Trust into disrepute;

- express opinions on behalf of the Trust, via social media, unless expressly authorised in writing to do so by your Principal, Executive Principal or the Chief Executive;
- post comments about sensitive topics, such as the performance of the Trust, Academy/School or any employee, or pupil or parent;
- do anything to jeopardise our trade secrets, confidential information and intellectual property;
- include our logos or other trademarks in any social media posting or in your profile on any social media;
- Link your own blogs/personal web pages to the Trust's website;
- add contacts or make links with any pupil on any social networking account (unless prior written consent has been obtained).

Trust Related Use of Social Media

- 24.7 If your duties require you to speak on behalf of the Trust or Academy in a social media environment, you must still seek approval for such communication from the Chief Executive, who may require you to undergo training before you do so and impose certain requirements and restrictions with regard to your activities.
- 24.8 Likewise, if you are contacted for comments about the Trust or Academy for publication anywhere, including in any social media outlet, direct the enquiry to the Chief Executive and do not respond without written approval.
- 24.9 The use of social media for Trust or Academy purposes is subject to the guidelines below.

Guidelines for Responsible Use of Social Media

- 24.11 You should make it clear in social media postings, or in your personal profile, that you are speaking on your own behalf. Write in the first person and use a personal e-mail address.
- 24.12 Be respectful to others when making any statement on social media and be aware that you are personally responsible for all communications that will be published on the internet for anyone to see.
- 24.13 If you disclose your affiliation with the Trust or Academy on your profile or in any social media postings, you must state that your views do not represent those of your employer (unless you are authorised to speak on our behalf as set out in Section 36). You should also ensure that your profile and any content you post are consistent with the professional image you present to pupils, parents and colleagues.
- 24.14 If you are uncertain or concerned about the appropriateness of any statement or posting, refrain from posting it until you have discussed it with your Principal, Executive Principal or the Chief Executive.
- 24.15 If you see social media content that disparages or reflects poorly on us, you should contact your Principal, Executive Principal or the Chief Executive immediately.

Monitoring

- 24.16 We reserve the right to monitor, intercept and review, without further notice, staff activities using our IT resources and communications systems, including but not limited to social media postings and activities, to ensure that our rules are being complied with and for legitimate purposes and you consent to such monitoring by your use of such resources and systems.

Recruitment

- 24.17 We may use Internet searches to perform due diligence on candidates in the course of recruitment. Where we do this, we will act in accordance with our data protection and equal opportunities obligations.

25. PERSONAL INTERESTS

- 25.1 Employees may have a variety of personal interests, which may from time to time impact on their role for the Trust. To protect the Trust and the employee from any accusations of wrongdoing 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.

- 25.2 Whatever an employee's role within the organisation, they must declare any financial or non-financial interests which could bring about conflict with the Trust's interests to their Principal, Executive Principal, Chief Operating Officer or the Chief Executive. This could include Trustees, Governors, etc.

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

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

- 25.5 The Trust is required to establish systems of control to ensure that any business or personal interest by key members of staff, Trustees and Governors are recorded. Please refer to Annex A for further information.

26. GIFTS AND HOSPITALITY

- 26.1 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. RECEIVING GIFTS

- 27.1 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 or repeated regularly and may be perceived as an inducement.

- 27.2 In cases where employees are given alcoholic beverages as gifts they need to ensure that they do not contravene the Alcohol at Work Policy.
- 27.3 Employees should declare 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.
- 27.4 Employees should seek advice from their Line Manager or Principal about whether it is appropriate to accept a gift with a value of £25 or over. Where a Principal is offered a gift, they should consult the Chief Executive. Where the Chief Operating Officer is offered a gift, they should consult the Chief Executive. Where the Chief Executive is offered a gift, they should consult the Chair of the Board of Trustees.
- 27.5 A checklist is provided at Annex C, which should be used to help line managers, Principals, Chief Operating Officer, Chief Executive and Chair decide whether or not it is appropriate to accept a gift.
- 27.6 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 Trust, there may be a problem returning it, in which case it should be reported immediately to the Chief Executive.

The Chief Executive will keep a record of all gifts and hospitality offered to employees or the Trust where the value exceeds £25, including when a gift was declined. See Annex D. If you are offered a gift with a value over £25, even if you decline it, you must email the Executive Assistant (governance professional) with the detail they require to complete the Hospitality Register. The Register is a public document and is reviewed by the Board of Trustees on an annual basis. The following should be recorded:

- Nature of the gift/hospitality
- Value of the gift/hospitality
- Name of the person/company offering the gift/hospitality
- Date gift/hospitality accepted/refused
- Name of the employee/Trustee/governor offered the gift or hospitality

- 27.7 In the case where it is believed a member of staff, Trustee, or Governor has not declared a gift or hospitality, then a formal investigation will be instigated by the Chief Operating Officer (or Chief Executive if the matter relates to the Chief Operating Officer, or Chair if the matter relates to the Chief Executive). If misconduct is indicated, disciplinary procedures may ensue.

28. PROVIDING GIFTS

- 28.1 The general principle is that the Trust and its Academies do not purchase or provide gifts except in exceptional and appropriate circumstances. When making gifts, the trust must ensure the value is reasonable, is within its scheme of delegation, the decision is documented, and achieves propriety and regularity in the use of public funds.
- 28.2 **Comfort Gifts:** the purpose of a comfort gift is to provide a small gift to members of staff or Governors at times of serious illness or bereavement, or to supplement a collection that colleagues have already organised. Payment is at the discretion of the Chief Executive, who

must approve any purchase before payment or reimbursement is claimed. Examples of gifts might include flowers, chocolates, or a basket of fruit. Monetary gifts should not be given.

- 28.3 Although there are no hard and fast rules about the frequency of making gifts to the same individual, the Chief Executive must have due regard to the propriety of spending public funds.
- 28.4 Purchase of Comfort Gift: once authority is given, the individual's line manager can purchase a gift. A suggested value would be about £25.
- 28.5 Additionally, giving or offering promotional material(s) constitute gifts. Please seek further advice from the Chief Executive and the Finance Team before placing any orders or entering into any contract or agreement to purchase items intended to be given in a promotional capacity.
- 28.6 Further guidance in respect of offering gifts and hospitality is provided in Annex E.

29. RECEIVING HOSPITALITY

- 29.1 Offers of hospitality are a normal part of the courtesies of business life but in the publicly funded sector it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence.
- 29.2 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. Any gifts and hospitality given or received must be recorded on the Trust's Gifts and Hospitality Register (see Annex D). The Register is held by the PA to the Chief Executive and entries are signed by the authorising person (Line Manager, Principal, Chief Executive, Chief Operating Officer or Chair). Its contents are reviewed annually by the Trust's Finance and Resources Committee.
- 29.2 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.
- 29.3 Offers of hospitality should only be accepted where there is a clear benefit to the Trust in doing so e.g. networking, building contacts. If there is no or limited benefit employees should not attend.
- 29.4 Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted.

30. PROVIDING HOSPITALITY

- 30.1 Hospitality, such as a light refreshment, beverage or small food item, should only be used where it is the best way to take forward official business. An example might include a meeting of Governors or Trustees, or a meeting with external partners where the meeting covers a mealtime or attendees have travelled a long distance. Hospitality should not be provided at meetings where all attendees are Trust employees unless there are exceptional supporting business needs, e.g. staff are working through lunch to achieve an important and urgent

outcome. All requests for hospitality require advance authorisation by the Trust's Finance Manager, who will ensure compliance with the guidance above.

30.2 It is Trust policy that Trust funding should **not** be used for the purchase of alcohol.

31. SPONSORSHIP – GIVING AND RECEIVING

31.1 When an outside organisation wishes to sponsor or is seeking to sponsor a Trust 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.

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

31.2 Where the Trust 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 of any such interest. Similarly, where the Trust 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.

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

32. EQUALITY

32.1 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.

33. TENDER PROCEDURES

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

33.2 Employees responsible for engaging or supervising contractors and who have previously had, or currently have, a relationship in a private or domestic capacity with a particular contractor, must declare that relationship to the Chief Executive.

33.3 If employees become privy to confidential information on tenders or costs relating to external contractors, they must not disclose that information to any unauthorised person or organisation.

33.4 All employees must ensure that no special favour is shown to current, or recent former, employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

34. CORRUPTION

- 34.1 The Trust takes a very firm stance against all forms of bribery and corruption and has adopted Anti-Fraud Corruption and Bribery Policy and Procedures. This document is set out in Annex H, attached to this Code.
- 34.2 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.
- 34.3 The offence of 'bribing another person' will be committed if you offer, promise or give financial or other advantage to another person with the aim of inducing or rewarding them to 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).
- 34.4 The offence of 'being bribed' will be committed if you request or agree to receive or accept any financial or other advantage in return for improperly performing or allowing the improper performance of an activity or function. The activity or function could be any public function or something you do during the course of your employment.
- 34.5 For employees' 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, you must report the matter to your Principal, Executive Principal or the Chief Operating Officer or in respect of the Principal, Executive Principal or Chief Operating Officer, to the Chief Executive.

35. FINANCIAL PROCEDURE RULES

- 35.1 All employees involved in financial activities and transactions on behalf of the Trust, including budgetary control, operation of bank accounts, payments of accounts, payments of salaries and wages, petty cash and orders of works, goods or services must follow the Academy Trust Handbook or the Trust's Financial Policy.
- 35.2 They must ensure that they use public funds entrusted to them in a responsible and lawful manner and strive to ensure value for money.
- 35.3 Information with regard to payments to trustees can be found in Annex I – Payments to Trustees, Governors and Trustees / Governors' Allowances Policy.

36. CONTACT WITH THE PRESS AND MEDIA

- 36.1 Employees are not permitted to give reports or speak to the press and media, unless this is an aspect that is clearly required within their role, or they have been given permission to do so by their Principal, Executive Principal or the Chief Executive on matters relating to their employment within the Trust. Employees with this responsibility must guard themselves against declaring a view which is contrary to a position taken by the Trust, and which may be deemed to be critical of that decision.
- 36.2 Outside of working hours, an employee is entitled to voice their opinion on issues affecting the local community e.g. at a neighbourhood forum. However, employees have a general duty

of care to avoid a conflict of interest and should not criticise, damage or act in any way against the Trust.

- 36.3 A Trade Union official or member may be asked to comment by the media on, for instance, an industrial dispute. Any opinion expressed should be clearly given in their capacity as a Trade Union official or member.

37. TALKS TO OTHER BODIES, RADIO AND TELEVISION INTERVIEWS, CONTRIBUTIONS TO PUBLICATIONS etc.

- 37.1 Where an employee is invited to give a talk to an outside body, or participate in a broadcast, or contribute an article to a professional journal, or the like, on a matter related to their employment or on a personal interest which would be relevant to that employment, the following guidelines apply:

- a) Acceptance of such an invitation shall be at the discretion of the Principal, Executive Principal, Chief Operating Officer or Chief Executive. In the event of a Principal wishing to follow this course of action, it shall be at the discretion of the Chief Executive and, in the event of the Chief Executive wishing to follow this course of action, the Chair of Trust Board of Trustees.
- 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.
- 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 Principal, Executive Principal or Chief Executive be permitted:
 - To retain any fee received (on the assumption that any preparatory work will have been undertaken in the employee's own time), or
 - 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.

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

38. SMOKING AND VAPING

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

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

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

38.3 Further Advice and assistance will be given wherever practicable to employees who wish to adopt a healthier lifestyle and reduce their alcoholic intake. Requests for time off for counselling / attendance on courses will be considered on their merits, subject to the needs of the Trust.

39. DRUG AND ALCOHOL MISUSE

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

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

39.3 Any employee representing the Trust at official functions/meetings, whether within the working day or when attending evening seminars, meetings, etc. are reminded of the need to maintain appropriate standards of conduct at all times.

39.4 Where there is a belief that an employee is under the influence of alcohol and/or illegal drugs, their Manager will ensure that the employee is escorted home safely and make arrangements to interview them on the next working day.

39.5 Advice and assistance will be given wherever practicable to employees who wish to *stop smoking*. *Requests for time off for counselling / attendance on courses will be considered on their merits, subject to the exigencies of the service.*

40. NOTIFICATION OF CRIMINAL INVESTIGATIONS AND OTHER REQUIRED DISCLOSURES

40.1 The Code of Conduct places a general obligation on all employees to disclose information that 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 that relates to a conviction, caution, reprimand or warning.

40.2 For employees undertaking roles for which a Disclosure and Barring Service (DBS) check is required there is a specific obligation on them to disclose any convictions, cautions, reprimands or warnings that they receive which are relevant to their employment.

40.3 For the avoidance of doubt an employee must immediately inform their Principal, Executive Principal or the Chief Executive, 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 H)

- 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.

- 40.4 The Principal / Executive Principal / Chief Executive will consider any possible effects of these matters on an individual's employment, discuss this with the People Team as appropriate and take relevant action.
- 40.5 After having undertaken a risk assessment and taking advice as appropriate, the Manager will put in place precautionary measures for the protection of the employee, pupils/students and the Trust. Precautionary action may include restriction of duties, temporary redeployment, temporary change of work base or, if none of these options are practicable, suspension with pay. The Manager is responsible for consulting with authorised officers/legal/people team as appropriate and taking relevant action.
- 40.6 Following careful consideration of the available evidence, any action taken will be fair and reasonable in the circumstances.

41. Non-compliance with the Code of Conduct

Non-compliance with this Code will, in certain circumstances, result in disciplinary action being taken. Some breaches of the Code may be treated as gross misconduct and in such cases dismissal (which may be without notice) may be the appropriate form of disciplinary action. Gross misconduct may be defined as conduct or behaviour of such nature that the Trust is justified in no longer tolerating the employment of the staff member. Examples of gross misconduct which may lead to dismissal without previous warning include (list not exhaustive):

- Failure to disclose the correct information on an application form or disclosing misleading information on an application form
- Wilful neglect, damage, destruction, unauthorised removal or sabotage of academy or Trust property
- Dishonesty or falsification of records including expenses or pay claims
- Theft and/or fraud
- Intimidating behaviour or language, violence or threatened violence, dangerous behaviour, fighting/physical violence including corporal punishment
- Inappropriate physical contact with colleagues or pupils and child abuse
- Sexual offences, including (but not limited to) improper relationships with children
- Improperly using one's position for personal gain

Lack of awareness of the Code of Contact will not be accepted as a mitigating circumstance.

42. Public Sector Equality Duty (Equality Act 2010)

In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that is, they have considered any potential impact on people who share certain protected characteristics. These protected characteristics are defined as: race, disability, sex, age, religion or belief, sexual orientation, gender reassignment pregnancy and maternity.

- Being under the influence of alcohol or illegal drugs whilst on the academy/Trust's premises or outside of work on academy/Trust business
- Endangering the health and safety of staff, pupils or others
- Refusal to allow a search to be carried out
- Unlawful discrimination or harassment
- Bullying
- Conduct prejudicial to the academy/Trust interests or may damage or prejudice the academy/Trust's reputation or integrity
- Serious breach of confidence (including but not limited to a serious breach of data protection or computer security)
- Gross insubordination or persistent refusal to carry out a reasonable instruction
- Conduct outside of work which makes the employee unsuitable for their type of work or is likely to significantly harm the academy/Trust's confidence in the employee. Note, the nature of the offence, the nature of the employee's work and the extent to which that work involves contact with employees, pupils, partner agencies and the general public will be taken into consideration
- Conviction of a serious criminal offence
- Accepting a gift which would be construed as a bribe
- Deliberately accessing internet sites containing pornographic, offensive or obscene material during working hours
- Carrying our unauthorised business on academy/Trust premises or during working hours
- Prolonged unauthorised absence

THE EDUCATION VILLAGE ACADEMY TRUST



REGISTER OF BUSINESS AND PERSONAL INTERESTS

Introduction

All Members, Trustees, members of the ESCs (Governors) of the Trust have collective responsibility for ensuring the successful operation of the Education Village Academy Trust and for achieving the Trust's object (advancing, for the public benefit, education in the United Kingdom).

As of September 2015, it is a statutory requirement that Governing Boards must publish the Register of interests on the Trust/academy website.

Academies must have regard to the 'Academy Trust Handbook' which requires that all Trustees and governors make a declaration of their business and personal interests.

The Trust is required to establish a register which lists for each budget holder, senior member of staff, governor and Trustee, any business or personal interest, pecuniary or otherwise, that they, or any member of their immediate family, have which could conflict with the Trust's interests; to keep the register up to date with notification of changes; to undergo an annual review of entries, and to make the register available on the Trust's website. The Register is available for inspection by any other interested parties, for example auditors.

Members, Trustees, Governors and staff must act and be seen to act impartially. They are required to complete a Declaration of their Business Interests. In most cases this will take place at the first meeting of the academic year.

There is no comprehensive definition of what constitutes a business interest, but declarations should include any links with individuals, businesses, contractors, Trusteeships, shareholdings or other appointments where the school may purchase goods or services from or who are directly employed by the school. It should also include interests of related persons such as parent, spouse, co-habitee, child or business partners where influence could be exerted by that person over a governor or a member of staff.

Where a Member, Trustee, Governor or member of staff or related person has any interest, either pecuniary or non-pecuniary, in a matter to be discussed at a governors' meeting the governor or member of staff must declare their interest and withdraw from that part of the meeting.

For register purposes, a close relative is defined as a spouse, parent, sibling, son, daughter or common law partner. As a general principle, individuals should err on the side of caution and declare interests that they think could be covered by the guidance above. Such a declaration must be made as soon as an individual becomes aware of the possibility of any such conflict arising or indeed that may be perceived / construed as arising. A good test is for the individual to ask himself/herself whether others would think that the interest is of a kind to make this possible. If the individual thinks this is so, or is in doubt then the information should be recorded on the register of interests.

All individuals should sign and return a statement even if they have no interests to declare.

This return will be refreshed on an annual basis.

Furthermore, in line with recognised best practice, the opportunity to declare such an interest appears as a standard agenda item at all meetings of the Trust.

Failure to declare an interest is a serious matter. It might be an oversight, but a deliberate failure would be caused to suspend the governor.

There is a requirement in the Articles of Association of Academies for governors who have a personal interest (financial or otherwise) which may conflict with their duties as governors to declare it as soon as they become aware of it.

A copy of the Declaration of Business Interests Form is attached. Once complete please

send it to Alana Mackenzie, Governance Support and Compliance Manager
amackenzie@educationvillage.org.uk

Guidance notes on completion of Declaration of Business Interests form,

Governors, Members and Trustees have a legal duty to act only in the best interests of their schools. Where a situation arises in which they cannot do this due to a personal interest they have, steps should be taken to identify, prevent and record the conflict. This ensures governors or trustees are acting in the best interests of the school.

In the declaration above, you must provide details relating to:

- Your ownership or partnership of a company or organisation which may be used by the Trust/school to provide goods or services;
- Goods or services you offer which may be used by the trust/school;
- Any close relation you have to someone who satisfies either of the above;
- Any close relationship you have to someone who is employed by the trust/school.

Declaring your conflicts of interest is a legal requirement within the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 and for academies, in the Articles of Association and Academies Financial Handbook. However, making an annual declaration does not remove your requirement to make an oral disclosure of the interest and temporarily leave the meeting, where the interest is relevant to something being discussed.

Pecuniary interests

Members, Trustees and Governors should not participate in any discussions in which they may directly or indirectly benefit from a pecuniary interest, except where the relevant authority has authorised this i.e. the Trust's Articles of Association or the ESFA. A direct benefit refers to any personal financial benefit and an indirect benefit refers to any financial benefit you may have by virtue of a relationship to someone who stands to gain from a decision of the governing board. Both direct and indirect interests must be declared.

Non-pecuniary interests (conflicts of loyalty)

There may be a non-pecuniary interest whereby the Trustee / governor does not stand to gain any benefit, but a declaration should still be made. For example, this might be where a governor has a family member working in the school. While the governor might not benefit personally, their judgment could be impaired if something was brought up that would affect the family member.

Handling the conflict

The Board of Trustees must make a decision as to whether or not they should take steps to remove the conflict by:

- Not pursuing the course of action it relates to; or
- Proceeding with it in an alternative way which does not give rise to conflict; or
- Not appointing the governor in question or seeking to secure their resignation.

In the minutes of the meeting, the following should be recorded:

- The nature of the conflict;
- Which governor(s) it relates to;
- Whether a declaration was made in advance of the meeting;
- A brief overview of what was discussed;
- Whether the governor(s) withdrew from the meeting;
- How the governors made the decision in the best interests of the school.

The School and Early Years Finance (England) Regulations 2013 provide for local authority financing schemes to keep a register of pecuniary interests for the trustees, governors and staff of schools. The register should be reviewed annually by the governance professional to the governing body but any new interest or ceased interest, should be reported to the governance professional as and when they occur. Upon completion, this signed form should be given to the governance professional whose responsibility it is to keep a register of all interests and review it annually.

The Charity Commission has produced guidance on dealing with conflicts of interests which may be useful, even for schools that do not have charitable status.

Declaration of Pecuniary and Personal Interest Form

Name:	
School (if an ESC member):	
Position:	

I declare as a Member / Trustee / Governor of The Education Village Academy Trust that I hold the following personal and/or pecuniary interest(s):

Pecuniary interests	Please provide details of the interest
Current employment	
Businesses (of which I am a partner or sole proprietor)	
Company Trusteeships – details of all companies of which I am a Trustee	
Charity trusteeships – details of all companies of which I am a Trustee	
Membership of professional bodies, membership organisations, public bodies or special interest groups of which I am a member and have a position of general control or management	
Gifts or hospitality offered to you by external bodies while acting in your position as a governor/trustee/member and whether this was declined or accepted in the last 12 months	
Contracts offered by you for the supply of goods and/or services to the trust/school	

Any other conflict	
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Personal interests	Name	Relationship to me	Organisation	Nature of the interest
Immediate family/close connections to Member/Trustee/Governor				
Company Trusteeships or trusteeships of family/close connections to Member / Trustee / Governor				

If you are a Governor, Member or Trustee of any other schools, academies, trusts or federated partnerships, please provide details below:

Name of school/academy/trust:	
Position held:	
Date appointed/elected to post:	
Date of termination to post:	

To the best of my knowledge the information supplied above is correct and complete. I understand that it is my responsibility to declare any conflict of interest/loyalty, business or personal that relates directly or indirectly to myself or any relation in any contract, proposed contract or other matter when present at a meeting at the school where such contract or matter comes under consideration. I understand that I must withdraw from any meeting during the discussion of such contract or matter and must not vote in respect of it.

I agree to review and update this declaration annually and give consent for the information provided to be used in accordance with the Trust's conflicts of interest policy.

Signed:	
Date:	

ANNEX B – Gifts and Hospitality

THE EDUCATION VILLAGE ACADEMY TRUST



GIFTS AND HOSPITALITY

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

The Trust does not prohibit normal and appropriate hospitality or gifts (both given and received) if the following requirements are met:

- It is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in exchange for favours or benefits
- It is given in the school's name, not an individual's name
- It complies with local law
- It does not include cash or a cash equivalent, e.g. vouchers or gift certificate
- It is appropriate in the circumstances, e.g. the giving of small gifts at Christmas time
- The type and value of the gift is reasonable given the reason the gift is offered
- It is given openly, not secretly
- Gifts should not be offered to, or accepted from, government officials or representatives without the prior approval of the Principal, Executive Principal, Head of School or Chief Executive.

Any gifts and hospitality given or received must be recorded on the Trust's Gifts and Hospitality Register. Appendix D.

RECEIVING 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 should help employees to decide whether a gift or an offer of hospitality should be accepted or declined. The advice in all circumstances is to consider whether the gift or hospitality is reasonable and to consider the intention behind it.

- (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, does it provide goods or services to the Trust of any kind?
- (e) Is the invitation/gift directed to a large group of unrelated individuals or open to the public, or has an individual been targeted because of their employment with the Trust and the nature of their role?
- (f) What is thought to be the motivation behind the invitation/gift?

- (g) For hospitality does the employee wish to attend, if so why? Is it because there will be genuine benefits to the Trust in terms of networking and contracts gained? Or is a desire to go centred around personal enjoyment.
- (h) Would acceptance of the invitation be, in any way, inappropriate or place the employee under pressure in relation to any current or future matter involving the Trust?
- (i) For gifts is there a difficulty in returning the gift? If it would cause offence can the gift be given to charity?

Where it is agreed an employee may accept a gift over £25 they must declare this to Chief Executive. If an employee declines a gift of over £25 the Chief Executive should also be informed and the reasons for the gift being declined should be recorded. The Trust Hospitality record is maintained by the Chief Executive's Personal Assistant (governance professional).

ANNEX D – OFFERING GIFTS AND HOSPITALITY

OFFERING GIFTS AND HOSPITALITY

It is not acceptable for employees to:

- Give, promise or offer a payment, gift or hospitality with the expectation or hope that an advantage for the school will be received, or to reward an advantage already received.
- Give, promise or offer a payment, gift or hospitality to a government official, agent or representative to facilitate or expedite a routine procedure.
- Accept payment from a third party if they know or suspect that it is offered with the expectation of a business advantage in return.
- Threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns regarding bribery.
- Engage in any activity that may lead to a breach of the Gifts, Hospitality or Ant-Fraud and Corruption Policy.

Checklist for considering whether to provide a gift or hospitality

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

- (a) Is the reason for providing a gift significant such as bereavement or serious illness?
- (b) Is it appropriate to ask staff to contribute to a gift and if so is that contribution likely to be sufficient? (The Trust should not be expected to provide an additional contribution if the gift will become disproportionately large, a collection that reaches £25 or so should be considered sufficient).
- (c) Is the extent of the hospitality or gift to be offered reasonable and appropriate?
- (d) If providing hospitality at an event or meeting are the majority of attendees non-staff?
- (e) If a majority of attendees are staff, is hospitality necessary to achieve a business objective?
- (f) Could any recipient misconstrue the motivation behind the invitation/gift?

Charitable donations

Charitable donations are part of the Trust's wider purpose. The Trust supports several carefully selected charities. The Trust/academies may also support fundraising events involving employees. The Trust only makes charitable donations that are legal and ethical. No donation must be offered or made in the school's name without the prior approval of the Chief Executive Officer.

THE EDUCATION VILLAGE ACADEMY TRUST



ANTI-FRAUD AND CORRUPTION POLICY

Anti-Fraud and Corruption Policy

Purpose

The purpose of this policy is to confirm The Education Village Academy Trust's commitment against fraud and corruption.

The fulfilment of this Anti-fraud and Corruption Policy will assist in the delivery of more effective risk management, on which the Trust has produced its own separate policy.

Scope of Policy

The Policy Statement applies to all Members and all members of the Board of Trustees, the Education Standards Committees (ESCs), and all employees (full-time, part-time, temporary and casual) who work for the Trust.

This policy has due regard to statutory legislation including, but not limited to, the following:

- The Bribery Act 2010
- The Fraud Act 2006
- ESFA 'Schools financial value standard (SFVS)

The Trust expects that individuals and organisations (e.g. partners, suppliers, contractors, and service providers) with which it deals will act with integrity and without thought or actions involving fraud and corruption. Where relevant, the Trust will include appropriate clauses in its contracts about the consequences of fraud, bribery and corruption. Evidence of such acts is most likely to lead to a termination of the particular contract and will normally lead to prosecution.

The Trust recognises the importance of the Seven Principles of Public Life as defined by the Nolan Committee 1995, and expects all Members, Trustees, Governors, employees and those acting as its agents to conduct themselves according to them.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisation that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Through observance of these principles EVAT requires its employees and its agents to be alert to the possibility of fraud, corruption and dishonesty in all their dealings.

The Trust also requires that those employees responsible for its systems and procedures should design and operate systems and procedures, which endeavour to minimise losses due to fraud, corruption, and other dishonest action and abuse.

Introduction

The Education Village Academy Trust (EVAT) is determined to demonstrate that it will not tolerate fraud, corruption or abuse of position for personal gain, wherever it may be found, in any area of Trust activity.

The Trust considers that all instances of fraud, corruption and other dishonesty endanger the achievement of the school's policies and objectives as they divert its limited resources from the provision of education. There is a clear recognition that the abuse of the Trust's resources, assets and services undermines the Trust reputation and also threatens its sound financial standing.

The purpose of this Policy Statement is to set out for employees, Trust's main objectives for countering fraud and corruption. This policy statement:

- defines fraud & corruption
- identifies the scope of the applicability of the policy
- sets out the Trust's intended culture & stance against fraud & corruption,
- identifies how to raise concerns and to report malpractice, • sets out responsibilities for countering fraud and corruption.

Definitions

Fraud

Fraud is a criminal offence and a range of abuse and malpractice, which is defined by the Fraud Act 2006.

Fraud can be defined as an abuse of knowledge or financial position that is done deliberately to create a financial gain for the perpetrator or for a related person or entity and / or cause a loss to another. It can take place in many ways; withholding information, deliberately misleading, misrepresenting a situation to others or by abuse of position of trust. Irrespective of the definition applied, fraud is always deceitful, immoral, and intentional and creates a financial gain for one party and / or a loss for another.

Gains and losses do not have to be direct. A gain to a related party or company through intentional abuse of position, albeit not directly to the officer involved, is still fraudulent. In the same way, using the Trust's name to procure personal goods and services is also fraudulent; where there is deliberate abuse of position to make a gain in the form of goods and services at a discount price or to get the School to pay for them.

Corruption

Corruption will normally involve the above with some bribe, threat or reward being involved.

Culture & stance against Fraud & Corruption

The Trust is determined that the culture and tone of the organisation will be one of honesty and opposition to fraud and corruption of any kind.

The Trust expects that Members, Trustees, Governors and its employees at all levels will lead by example in ensuring adherence to legal requirements, financial rules, codes of conduct and prescribed procedures and practices.

The Trust implements and maintains robust systems of accountability and control to ensure that its resources are properly applied in the way it intended. These systems include, as far as

is practical, adequate internal controls to detect not only significant errors but also importantly, fraud and corruption.

Raising Concerns and Reporting Suspected Fraud

Governors and employees are an important element in the Trust's defence against fraud and corruption; they are expected to raise any concerns that they may have on these issues where they are associated with the Trust's activities.

The Trust's Trustees, Chief Executive, Chief Operating Officer, Principals and Governors will be robust in dealing with financial malpractice of any kind.

Governors and employees of the Trust should follow the guidance issued in the Trust's Confidential Reporting (Whistleblowing) Policy. Under no circumstances will staff investigate the matter themselves.

All concerns reported, by whatever method, will be treated in confidence and will be reviewed and investigated by a member of staff deemed to be appropriate and best placed to do so. This may mean that, depending on the level, type and details of the concerns you raise, that your concerns are investigated by Trust Trustees, principals or governors or in the case of very serious concerns, the Police.

Employees who raise concerns in good faith will be supported by the Trust and the Trust will ensure that they are not subjected to any detrimental treatment as a consequence of their report. Any instances of detrimental treatment against an employee for reporting a suspicion are treated as disciplinary offences.

Where fraud is proven, this constitutes gross misconduct and cases are dealt with in accordance with the Trust's Disciplinary Policy and Procedure. Where appropriate, the Trust will seek to apply appropriate criminal, civil and disciplinary sanctions to all cases of proven fraud and corruption and may refer cases to the Police for them to consider taking criminal action.

Following a case of fraud or irregularity, the Risk Management Strategy is reviewed to ensure it considers all relevant risks and is effective.

Responsibility for this Policy

The Chief Executive in conjunction with the Trust's FARR Committee

has overall responsibility for overseeing internal controls and financial management and the maintenance and operation of this policy. Internal controls are reviewed on an annual basis by the Trust's Finance Audit, Risk and Resources Committee to ensure they remain effective and are being consistently applied.

This policy will be reviewed annually, or as soon as possible if legislative changes or significant organisation changes take effect. Any significant amendments proposed to the Board of

Trustees. The Trust's arrangements for the deterrence, prevention and detection of fraud will be regularly reviewed by those officers charged with responsibility for the policy.

ANNEX H – DISQUALIFICATION UNDER THE CHILDCARE ACT 2006 – Amended Regulations

THE EDUCATION VILLAGE ACADEMY TRUST



DISQUALIFICATION UNDER THE CHILDCARE ACT 2006 – AMENDED REGULATIONS

Disqualification under the Childcare Act 2006– Amended Regulations

Department for Education issued statutory guidance on the application of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 ("the 2018 regulations") and obligations under the Childcare Act 2006 in schools.

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act>
<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

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.

Previously people had to declare if they themselves were disqualified from working with children, and/or if somebody they lived with or shared a household with was disqualified. The latter is known as disqualification by association. The main change in the new legislation is that schools/academies are no longer required to establish if staff, including those working with under 5s or under 8s in wrap around, extended hours, or childcare provision, are disqualified by association, that is if they share a house with someone who would be disqualified from working with children. This means that schools no longer have to ask their staff questions about cautions or convictions of anyone living or working in their household.

However, staff can still be disqualified on their own behalf if they work with under 5s or under 8s in childcare provided by the Trust outside of normal school hours or the management of such staff or provision. The Trust needs to be certain that none of these staff have a conviction or caution for any of the relevant offences or have been subject to any of the listed court orders.

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

- Criminal Justice and Courts Act 2015 – including care workers ill-treating or wilfully neglecting an individual;
- Female Genital Mutilation Act 2003 – including conducting FGM and assisting a girl to conduct FGM on herself;
- Modern Slavery Act 2015 – including holding a person in slavery or servitude and requiring a person to perform forced or compulsory labour;
- Psychoactive Substances Act 2016 – supplying or offering to supply a psychoactive substance to a child;
- Serious Crime Act 2015 – possessing a paedophile manual and engaging in controlling or coercive behaviour in an intimate or family relationship;
- Terrorism Act 2000 – including belonging to a proscribed organisation and committing an act of terrorism;
- Terrorism Act 2006 – including encouraging terrorism, circulating a terrorist publication and directing a terrorist organisation.

The Trust must not continue to employ an individual who is disqualified in connection with early or later years childcare provision, nor will a disqualified individual provide or be directly concerned in the management of such provision unless they have received a waiver from Ofsted, which covers the role that they wish to undertake. This does not imply that individuals are prevented from working in the Trust in any other setting.

Applying for a Waiver

If an individual is disqualified under the legislation, they can apply for this to be waived via Ofsted; information about how to apply is available from the People Team.

Staff covered

Staff 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) 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 Trust 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. The Trust will need to use its judgement to determine who is covered, but this will include the Principal, and may also include other members of the leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

In relation to staff employed by childcare providers (i.e. not employed by the Trust) who hire or rent school facilities or premises (for example a private, voluntary or independent childcare provider), the Trust will ensure that such providers have appropriate policies and procedures in place in regard to safeguarding children, including under the 2018 Regulations.

Where the Trust uses staff from any agency, or third-party organisation (e.g. supply teacher, music teacher or sports coach) to work in relevant childcare provision, or contract out such childcare, they must obtain confirmation that the agency or organisation providing the staff has informed them that they will be committing an offence if they are deployed to work in relevant childcare, or are directly concerned in the management of such provision, if they are disqualified under the 2018 Regulations. This will include the provider requesting that their staff inform them if they consider that they could be disqualified under the legislation.

Where the Trust deploys a person who is self-employed (e.g. music teacher or sports coach) to work in relevant childcare provision, the Trust must ensure that they are compliant with the requirements of the legislation explained in this guidance.

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. The Trust will exercise its 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 the People Team, the designated officer, safeguarding lead officer or adviser when appropriate. A record of the assessment will 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
- office staff
-

Trust Governors 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 is provided in KCSIE (as amended).

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.

Trust Procedure for Managing Disqualification under the Childcare Act

The Trust will ensure it establish whether the offences committed by an individual are relevant offences through up-to-date enhanced DBS certificates and checks against the DBS update service.

The Trust will ensure that they are not knowingly employing a person who is disqualified under the 2018 Regulations in connection with relevant childcare provision. In gathering information to make these decisions, the Trust must ensure that it acts proportionately. Accordingly, the Trust must ensure that it handles information fairly and lawfully and take care not to breach:

- Data Protection Act 2018 (DPA);
- General Data Protection Regulation (GDPR) (EU) 2016/679;
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) ('the Exceptions Order);
- Rehabilitation of Offenders Act 1974 (ROA); and
- Human Rights Act 1998.

Personal data, including any details of the criminal record, will not be held without consent from the individual. In instances where an individual does not consent, the Trust will only record the date the declaration was made, details of any additional safeguarding restrictions, and whether or not an Ofsted waiver has been granted if relevant.

The Trust will keep a record of all staff who are employed to work in or manage relevant childcare provision and record the date on which the information about disqualification was provided.

The Trust will use a self-declaration form to obtain information about whether a staff member is disqualified. The questions asked are relevant and limited to the requirements of the legislation and are only asked of the relevant staff, so they are not in breach of data protection legislation, including General Data Protection Regulation 2018 (GDPR). A sample form is included at Appendix C. This form will be used for all new starters, existing staff and volunteers. For existing staff/volunteers this will be updated on a regular basis e.g. annually.

In accordance with the Trust's Records Management Policy and Retention Guidelines and other legislative provisions Personal data, including any details of the person's criminal record, will not be held without consent from the individual. In instances where an individual does not consent, the Trust will only record the date the declaration was made, details of any additional safeguarding restrictions, and whether or not an Ofsted waiver has been granted.