

# Agenda

## Employment panel

Date: **Monday 21 May 2018**

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Time: **10.00 am**

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Place: **Committee Room 1, Shire Hall, St. Peter's Square,  
Hereford**

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Sarah Smith, democratic services officer on 01432 260176 or e-mail [sarah.smith1@herefordshire.gov.uk](mailto:sarah.smith1@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Employment panel**

## **Membership**

**Chairman**

**Councillor AW Johnson**

**Councillor H Bramer**

**Councillor RI Matthews**

**Councillor RJ Phillips**

**Councillor AJW Powers**

## Agenda

	Pages
<b>1. APOLOGIES FOR ABSENCE</b> To receive any apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive details of any member nominated to attend the meeting in place of a member of the panel.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by members in respect of items on this agenda.	
<b>4. MINUTES</b> To approve and sign the minutes of the meeting held on 19 March 2018.	7 - 8
<b>5. QUESTIONS FROM MEMBERS OF THE PUBLIC</b> To receive any written questions from members of the public. Details of the scheme and related guidance are available here: <a href="https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved">https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved</a> Please submit questions to <a href="mailto:councillorservices@herefordshire.gov.uk">councillorservices@herefordshire.gov.uk</a> The deadline for the receipt of questions is Wednesday 16 May at 5.00 pm. Accepted questions will be published as a supplement prior to the meeting.	
<b>6. QUESTIONS FROM COUNCILLORS</b> To receive any written questions from councillors. Please submit questions to <a href="mailto:councillorservices@herefordshire.gov.uk">councillorservices@herefordshire.gov.uk</a> The deadline for the receipt of questions is Wednesday 16 May at 5.00 pm. Accepted questions will be published as a supplement prior to the meeting.	
<b>7. CODE OF CONDUCT POLICY - SCHOOLS</b> To seek the views of the panel on a new Code of Conduct Policy (schools), so that the policy can be adopted by governing bodies in schools (maintained and voluntary-controlled). However, a recommendation will be made to voluntary aided and academy schools to adopt the same policy for consistency in Herefordshire's schools.	9 - 38



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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the council and all committees and sub-committees and written statements of decisions taken by the cabinet or individual cabinet members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all councillors with details of the membership of cabinet and of all committees and sub-committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the council, cabinet, committees and sub-committees.
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**Minutes of the meeting of Employment panel held at Committee Room 1, Shire Hall, St. Peter's Square, Hereford on Monday 19 March 2018 at 10.00 am**

**Present:** Councillor AW Johnson (Chairman)

Councillors: H Bramer, RI Matthews, AJW Powers and P Rone

**Officers:** Alistair Neill and Tracey Sampson

**34. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor RJ Phillips.

**35. NAMED SUBSTITUTES (IF ANY)**

Councillor P Rone substituted for Councillor R J Phillips.

**36. DECLARATIONS OF INTEREST**

None.

**37. MINUTES**

**Resolved that:**

**the minutes of the meeting of 15 January 2018 be approved as a correct record and signed by the chairman.**

**38. QUESTIONS FROM MEMBERS OF THE PUBLIC**

No questions were received from members of the public.

**39. QUESTIONS FROM COUNCILLORS**

No questions were received from councillors.

**40. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED:**

**That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act (as amended) as indicated below.**

**This report is exempt from publication by virtue of paragraph 1 (information relating to an individual).**

#### **41. APPOINTMENT OF DIRECTOR FOR ADULTS AND WELLBEING**

The employment panel received a report on proposed interim arrangements to fill the post of director for adults and wellbeing following the resignation of the current post holder.

The chief executive as head of paid service reminded panel members that there was no requirement for them to consider interim arrangements for senior officers but that he wished the panel to be aware and supportive of the arrangements for the appointment of an interim director for adults and wellbeing.

The chief executive and the head of human resources and organisational development explained the anticipated timeframe for the interim arrangements and outlined the key considerations which had informed the recommendation.

In discussion of the item it was noted that:

- it would not be possible to conclude an appointment process for a permanent replacement before the departure of the outgoing director and as such some interim period was unavoidable;
- the notice period for directors was three months, this was consistent with other authorities and a similar notice period for any successful external candidate should be anticipated;
- lessons had been learned from the recruitment process and interim arrangements for the director for children's wellbeing the previous year;
- the interim arrangement was intended to last for approximately a year, this would give time both to carry out an appropriate recruitment process and allow the interim director to demonstrate their capabilities should they then wish to apply for the permanent post;
- the interim director would potentially have an advantage over other candidates should they choose to apply for the permanent post but use of interim arrangements was common practice and the appointment to the permanent post would be subject to a rigorous process;
- the proposed interim appointment complied fully with relevant legislation and the constitution of the council;
- members of the employment panel confirmed they would give their support to the interim director.

**Resolved that:**

- (a) Employment panel support the chief executive's recommendation that the assistant director for operations and support is temporarily appointed to the role of director for adults and wellbeing.**

The meeting ended at 10.28 am

**Chairman**





<b>Meeting:</b>	<b>Employment panel</b>
<b>Meeting date:</b>	<b>Monday 26 February 2018</b>
<b>Title of report:</b>	<b>Code of Conduct Policy - (Schools)</b>
<b>Report by:</b>	<b>Chief executive</b>

## Classification

Open

## Decision type

This is not an executive decision

## Wards affected

(All Wards);

## Purpose and summary

To seek the views of the panel on a new Code of Conduct Policy (schools), so that the policy can be adopted by governing bodies in schools (maintained and voluntary-controlled). However, a recommendation will be made to voluntary aided and academy schools to adopt the same policy for consistency in Herefordshire's schools.

The policy has been developed to meet an audit recommendation that there should be a Code of Conduct Policy that is specific to schools. The policy clarifies expectations regarding the required standards of behaviour for all staff working within schools.

## Recommendation(s)

That:

- (a) **the panel determine any recommendations it wishes to make to the chief executive regarding the draft employee Code of Conduct Policy (schools).**

## Alternative options

1. To continue to use the existing Code of Conduct Policy, which isn't school specific and doesn't clarify expectations regarding the required standards of behaviour. The current

Code of Conduct in use in schools is dated February 2010 and is no longer fit for purpose. Also, audit has requested that a new Code of Conduct Policy be developed for schools that meet the needs of the school environment.

2. To allow schools to create their individual Code of Conduct Policy. Governing bodies are required to set out a Code of Conduct for all school employees that has been negotiated with trade unions and recommended for adoption by the governing body. There is insufficient funding in the trade union facility budget or resources available to enable maintained schools to consult on an individual basis with union representatives. Union representatives would also question why there is not a common Code of Conduct Policy for governing bodies to adopt which is the case for all other HR policies that schools use.
3. To recommend that governing bodies adopt Herefordshire Council's Code of Conduct Policy or a similar style policy. However, as school staff are role models and as such in a unique position of influence, they must adhere to behaviour that sets a good example to all pupils within the school. As a member of a school community, each employee has an individual responsibility to maintain their reputation and the reputation of the school, whether inside or outside working hours. The proposed Code of Conduct Policy (schools) clarifies what is expected in terms of professional behaviour; it gives clear advice about what constitutes illegal behaviour and what might be considered as misconduct. It also describes safe practice and which behaviours should be avoided. The aims of the Code of Conduct Policy (schools) therefore are to safeguard young people and reduce the risk of staff being falsely accused of improper or unprofessional conduct.

## Key considerations

4. This policy is required to meet the 'keeping children safe in education' statutory guidance, which refers to two policies – Code of Conduct and Whistleblowing. The Code of Conduct Policy is not up-to-date for schools.
5. A number of schools have been audited and an issue raised that the current Code of Conduct Policy does not sufficiently relate to the school environment. The current policy being used by schools is dated February 2010 (HR0008) and does not give clear advice about what constitutes illegal behaviour and what might be considered as misconduct and has remained largely unchanged.
6. The new policy ensures that all employees are fully aware of safe practice and which behaviours should be avoided. This will help staff establish the safest possible learning and working environment and therefore help to safeguard young people and reduce the risk of staff being falsely accused of improper or unprofessional conduct.
7. There have been a number of disciplinary cases involving improper or unprofessional conduct, which would have benefitted from being able to use a policy which addresses inappropriate behaviour.
8. The policy will be sent to schools for formal adoption by the governing bodies. Staff will also be made aware of the policy.
9. The public is entitled to expect the highest standards of behaviour from council employees (school based employees) and the Code of Conduct Policy should set out, in clear and unambiguous terms, what those standards are.
10. The proposed Code of Conduct Policy (schools) reflects the Nolan principles in respect of standards in public life; applies to all employees; establishes clear and consistent

procedures across all maintained schools; is clear and easy to understand; complies with the law and best practice.

11. The Employment Panel is invited to comment on the proposed code and determine any recommendations it wishes to make to the chief executive.
12. It is intended that, once approved, the final policy will be circulated to schools for governing bodies to adopt with immediate effect. Headteachers will be advised that it is essential that all employees are made aware of the requirements of the code and uphold the expected standards.

## **Community impact**

13. As set out in the code of corporate governance, Herefordshire Council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition, the council has an overarching responsibility to service the public interest in adhering to the requirements of legislation, including school specific legislation and government policies.
14. A clear and effective employee Code of Conduct Policy, specifically designed for school based employees, will help the council to uphold the code of corporate governance principle of “behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law”. It will also support the council’s corporate plan priority to keep children and young people safe and give them a great start in life.

## **Equality duty**

15. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
16. A workforce equality impact assessment has been completed and no negative impact has been identified.

## **Resource implications**

17. There are no financial implications for schools or impact on the council’s budget arising from the recommendations.
18. The resourcing of communication and training arising from the adoption of the new code will be the responsibility of governing bodies with HR support, which will be met from the existing HR budgets.

## Legal implications

19. The Department for Education statutory guidance 'keeping children safe in education' (updated in September 2016) is statutory guidance to which all schools and colleges must have regard when carrying out their duties to safeguard and promote the welfare of children. This policy requires all schools to adopt and enforce a staff Code of Conduct / Behaviour Policy.
20. As set out in the Education Act 2002 and the Children's Act 2004, the council has general statutory duties to safeguard and promote the welfare of children in the area.

## Risk management

21. The current policy used by schools is not compliant with the statutory guidance document 'keeping children safe in education'.
22. If the new policy is not implemented in schools, it is probable that this will be raised by our auditors as an issue.
23. There is the potential for a reduced disciplinary sanction to be issued to an employee, if there is no supporting policy framework on which to base the alleged misconduct. This is only likely to apply to low level misconduct.

## Consultees

24. Teacher and support staff trade union representatives have been consulted at a meeting and via e-mail. A draft policy was circulated and comments/amendments incorporated as appropriate. A final draft was circulated to all consultees for final review and approval.
25. Headteacher representatives were also present at the meeting with trade union representatives and their comments/amendments were incorporated as appropriate. The feedback was as follows:
  - a. Union request not to be as prescriptive on clothing and jewellery, i.e. to remove 'tattoos and piercings may not be acceptable'. This was agreed.
  - b. Union request to strengthen the section in the Code of Conduct in relation to contacting pupils outside of school hours, so that it was explicit this should only be in absolute exceptional circumstances. This was agreed.
  - c. Union request to amend the wording for staff consuming alcohol on school trips. This was not amended as staff are responsible for the safety and wellbeing of pupils and it is not possible to quantify what alcohol intake would be acceptable.
  - d. Union request to remove the stipulation that staff can only tutor pupils that they teach outside of school with the headteacher's approval. This was not agreed as headteachers are responsible for pupils and also to protect staff from false or malicious allegations.
  - e. No comments were received from headteachers that required any changes to the proposed policy. However, at the meeting their views were that the policy was 'great' and 'fit for purpose'.

## **Appendices**

Appendix 1 – Code of Conduct Policy (schools)

Appendix 2 – Equality Impact Assessment

## **Background papers**

None



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# CODE OF CONDUCT FOR ALL CATEGORIES OF SCHOOL

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## 1. Policy

The purpose of this policy is to clarify expectations regarding the required standards of behaviour for all staff working within schools. It gives clear advice about what constitutes illegal behaviour and what might be considered as misconduct. It also describes safe practice and which behaviours should be avoided.

It applies to **all** adults working in education settings whatever their position, role or responsibilities. **If a member of staff does not follow this code of conduct this may lead to disciplinary procedures.**

There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by the employer. It is expected that in these circumstances staff will always advise senior colleagues of their justification for any such action already taken or proposed.

Teaching staff should also refer to the 'Teachers Standards' document which provides additional detail of the professional standards expected. This document can be found on the Department of Education Website under 'Teachers' Standards'.

Staff should also refer to the job description applicable to their role.

This guidance has been produced to help all staff establish the safest possible learning and working environments. The aims are to safeguard young people and reduce the risk of staff being falsely accused of improper or unprofessional conduct.

## 2. Scope

This policy applies to schools with full delegated status as laid down in Herefordshire Council's Local Management of Schools (LMS) Scheme.

Voluntary Aided church schools where Herefordshire Council is not the legal employer, may choose to adopt a different Code of Conduct as determined by the relevant diocesan authority. Academy Schools can also adopt this policy. Schools should ensure that HR Services are provided with a copy of any Code of conduct they develop.

## 3. Standards of Conduct

In performing their duties, school employees should act with integrity, honesty, impartiality and objectivity and uphold the values that underpin the council's work:

**People:** treating people fairly, with compassion, respect and dignity

**Excellence:** striving for excellence, and the appropriate quality of service, care and life in Herefordshire

**Openness:** being open, transparent and accountable

**Partnership:** working in partnership and with all our diverse communities

**Listening:** actively listening to, understanding and taking into account people's views and needs

**Environment:** protecting and promoting our outstanding natural environment and heritage for the benefit of all

## 4. Principles

- The welfare of students is paramount
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should work, and be seen to work, in an open and transparent way
- Staff should discuss and/or take advice promptly from their line manager or another senior member of staff over any incident, which may give rise to concern

- Records should be made of any such incident and of decision made/further actions agreed
- Staff should apply the same professional standards in keeping with the School's Equality Policy
- All staff should know the name of their designated person for child protection, be familiar with child protection arrangements and understand their responsibilities to safeguard and protect students.
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them
- Staff may seek advice from their Trade Union over any incident which may give rise for concern.

## 5. Safe Working Practices for the Protection of Students and staff

### 5.1. Duty of care

Teachers and other staff are accountable for the way in which they exercise authority; manage risk; use resources, and protect students from discrimination and avoidable harm.

All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from physical and emotional harm. This duty is in part exercised through the development of respectful, caring and professional relationships between staff that demonstrates integrity, maturity and good judgement.

There are legitimate high expectations about the nature of the professional involvement of staff in the lives of students. When individuals accept a role that involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers have a duty of care towards their employees which require them to provide a safe working environment for staff and guidance about safe working practices.

#### **This means that Staff should:**

- Understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached
- Always act, and be seen to act, in the learner's best interests
- Avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Take responsibility for their own actions and behaviour
- Comply with the lone working policy

#### **This means that the School should:**

- Ensure that safeguarding procedures are in place and reviewed
- Ensure that systems are in place for concerns to be raised
- Ensure that adults are not placed in situations which render them particularly vulnerable

### 5.2. Exercise of Profession Judgement

The Code of Conduct and guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour that is illegal, inappropriate or inadvisable. There will be occasions and circumstances in which staff have to make decisions or take action in the best interests of the students which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the learners in their charge and in so doing, will be seen to be acting reasonably.

**This means that where no specific guidance exists staff should:**

- Discuss the circumstances that informed their action, or their proposed action, with a senior colleague. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted
- Always discuss any misunderstanding, accidents or threats with a senior leader
- Always record discussions and actions taken with their justification

### **5.3. Power and Positions of Trust**

All adults working with students in education settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a student cannot be a relationship of equals. There is potential for exploitations and harm of vulnerable young people; and all staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff should always maintain appropriate professionalism and wherever possible, they should avoid behaviour which might be misinterpreted by others, and report and record any incident with this potential.

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

**This means that staff should not:**

- Use their position to gain access to information for their own advantage and/or a student's or family's detriment
- Use their power to intimidate, threaten, coerce or undermine students
- Use their status and standing to form or promote a relationship with a student, which is of a sexual nature

### **5.4. Confidentiality**

Members of staff may have access to confidential information about students and/or other members of staff in order to undertake their every-day responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a student and/or other members of staff, or their family for their own, or others' advantage. Information must never be used to intimidate, humiliate, or embarrass the student.

Confidential information about students and/or other members of staff should never be used casually in conversation or shared with any person other than on a need to know basis. In circumstances where an individual's identity does not need to be disclosed the information should be used anonymously.

There are circumstances in which a member of staff may be expected to share information about a student and/or other members of staff, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass on information without delay, but only to those with designated child protection responsibilities.

If a member of staff is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff. Staff may wish to keep a signed record of the conversation. Any media or legal enquiries should be passed to senior leadership.

Adults need to be aware that although it is important to listen to and support students, they must not promise confidentiality or request students to do the same under any circumstances.

Additional concerns and allegations about adults should be treated as confidential and passed to a senior leader without delay.

**This means that staff:**

- Are expected to treat information they receive about students in a discreet and confidential manner
- In any doubt about sharing information they hold or which has been requested of them should seek advice from a senior member of staff
- Need to be cautious when passing information to others about a student
- Need to know to whom any concerns or allegations should be reported
- When seeking guidance from senior staff, individuals may wish to keep a record of the conversation

### **5.5. Propriety and Behaviour**

All members of staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of students. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, students and the public in general.

An individual's behaviour, either in or out of the workplace, should not compromise his/her position within the school setting so it is important to exercise due care and attention when outside of the school environment.

Membership of organisations whose goals are in conflict with the values and equality policies of the school is not acceptable.

There may be exceptional circumstances where a member of staff may be personal friends with a parent which means that normal social life will bring the student into social contact with a member of staff. However, generally, if a member of staff find themselves in a pub or other meeting place in which current pupils are drinking, the member of staff should not join the pupils and may need to draw the attention of bar staff to the age of the pupils. It is difficult to determine exact regulations in this area; if a member of staff feels that there are exceptional reasons why the general restriction on drinking alcohol with students should not apply, they should discuss the matter with a senior member of staff.

**This means that staff should not:**

- Behave in a manner which would lead any reasonable person to question their suitability to work with students or act as a role model
- Drink alcohol with current pupils in public or private places, nor purchase alcohol for pupils
- Drink alcohol when supervising pupils or on school trips. This is advisable even when there are no pupils present, as the member of staff may be called to act if an emergency occurs
- Make inappropriate remarks to a student (including email, text messages, phone or letter etc.)
- Discuss their own sexual relationship with or in the presence of students
- Discuss a student's sexual relationships in inappropriate settings or contexts
- Make (or encourage others to make) unprofessional personal comments in any form of communication (e-mail, conversations or social networking comments)

**Staff must:**

- Be aware that their behaviour in their personal lives may impact upon their work with students

## 5.6. Dress and Appearance

Staff should consider the manner of dress and appearance appropriate to their professional role. We require students to be smart in their uniform. Smart and professional appearance is expected at all times for staff. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake.

Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegation. Jewellery should not be ostentatious and appropriate personal presentation is expected of staff.

**This means that staff should ensure their appearance and clothing:**

- Promotes a positive and professional image, including ensuring that for male staff facial hair is either well shaved or trimmed and neat
- Is appropriate to their role
- Is not likely to be viewed as offensive, revealing or sexually provocative
- Does not distract, cause embarrassment or give rise to misunderstanding
- Does not contain any political or otherwise contentious slogans
- Is appropriate bearing in mind religious beliefs, cultures and customs

## 5.7. Gifts

Staff should be aware of the school's policy regarding arrangements for the declaration of gifts received and given.

Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when students or parents wish to pass small tokens of appreciation to staff, for example at Christmas or as a thank-you, and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value. Any member of staff concerned about whether they or their colleagues may be at risk of giving or receiving a bribe (financial or otherwise) should contact the Bursar/School Financial Manager. Any member of staff receiving gifts or entertainment valued at more than £10 must disclose this to the Bursar.

Members of staff may not give personal gifts to students. It is acceptable for staff to offer prizes of small value in certain tasks or competitions.

**This means that staff should:**

- Ensure that gifts received or given in situations which may be misconstrued are declared
- Ensure that gifts of significant value are declared
- Generally, only give gifts to an individual young person as part of an agreed reward system

### 5.8. Infatuations

All staff need to be aware that it is not uncommon for students to be strongly attracted to a member of staff and/or develop an infatuation. Staff should be aware that such circumstances always carry a high risk of words or actions being misinterpreted and for allegations to be made against staff.

A member of staff who becomes aware that a student may be infatuated with themselves or a colleague should discuss this at the earliest opportunity with a senior colleague so that appropriate actions can be taken. In his way steps can be taken to avoid hurt and distress for all concerned.

**This means that staff should:**

- Report to senior colleagues any indications (verbal, written or physical) that suggest a student may be infatuated with a member of staff
- Be mindful if you are alone in a room with a student. Leave the door open if you have to

### 5.9. Personal Living Space

No student should be invited in or invited into, the home of an adult who works with them, unless the reason for this has been firmly established and agreed with parents and senior leaders of the home or the home has been designated by the organisation or regulatory body as a work place e.g. childminders, foster carers.

**This means that staff should:**

- Be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations
- Be mindful of the need to maintain professional boundaries

## **5.10. Communications with students (including the use of technology)**

Communication between students and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, text messaging, emails, digital cameras, videos, web-cams, websites, social networking sites, online gaming and blogs and other emerging technology. Adults should not share any personal information with a student. They should not request, or respond to, any request for personal information from the student, other than that which might be appropriate as part of their profession role. Adults should ensure that all communications are transparent and open to scrutiny.

Adults should be circumspect in their communications with students so as to avoid any possible misinterpretation of their motives or any possible misinterpretation of their behaviour, which could be construed as grooming. They should not give any personal contact details to students including e-mail, home or mobile telephone numbers unless the need to do so is agreed with senior leadership and parents. Email or text communications between an adults and a student outside agreed protocols may lead to disciplinary and/or criminal investigations. This includes communication through intercommunication through internet based web sites, such as social networking, instant messaging or gaming.

Communication with ex-students who are over 18 is left to staff discretion. Please be conscious of the fact that ex-students may be in contact with current students.

Be aware that actions that bring the school into dispute could lead to disciplinary procedures being taken

Staff should not establish or seek to establish social contact with students, or their families, for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response but should always discuss this with a senior leader. Staff must be aware that social contact, in certain situations, could be misconstrued as grooming.

Staff should not give their personal details such as their home or email address; social networking sites, gamer tags or web pages to students unless the need to do so is agreed with senior leadership. If students do become aware of your gamer tag you must change it.

If a member of staff becomes aware that they are in an online game with a student of the School, the member of staff should cease to play against that student and should not enter any games containing that player as part of the group.

Under no circumstances should staff seek out students and/or share their own gamer tags/ID with students, or use school equipment to play on-line games.

Staff may use social networking sites for personal use. However, the school requires that profile and photos of the members of staff are “locked down” as private so that students or parents do not have access to your personal data or images.

Staff must deny current or students under the age of 18 access to your profile so you do not put yourself in a vulnerable position.

Staff should be aware that they leave themselves open to a charge of professional misconduct if images of a member of staff in a compromising situation are made available on a public profile.

If a student does gain access to the profile of a member of staff by fraudulent means (impersonation or hacking) senior leadership should be informed immediately.

Where relationships exist between staff and those who are also parents at the school, or personal friends who are parents at the school, social networking is acceptable but caution must be exercised so that professional standards are maintained and staff do not compromise themselves or the school.

**This means that staff should:**

- Only give their personal contact details to students, including their mobile telephone number, for professional reasons and with the knowledge of their line manager
- Communicate with students in an appropriate and professional manner, making sure that parents have given permission for this form of communication to be used
- Only make contact with students for professional reasons
- Not use internet or web-based communication channels to send personal messages to a student
- Not to have images of students stored on personal cameras, devices or home computers
- Not to make images of students available on the internet, other than through the school network/website, without permission from parents and senior leadership
- Be cautious in their contact with ex-pupils, as there is still a professional relationship and there may be contact with current pupils
- Have no secret contact with students
- Consider the appropriateness of the social contact according to their role and nature of their work
- Always approve any planned social contact with senior leadership, for example when it is part of a reward scheme or pastoral care programme
- Advise senior leadership of any regular social contact they have with a student or parent which may give rise to concern
- Report and record any situation, which they feel, might compromise the school or their own professional standing
- Lock down your profile to ensure that data and images are not freely available. Seek advice if you are unsure of how to do this
- Do not permit current and recent students or parents to have access to your profile

### **5.11. Use of the internet**

When accessing the internet, under no circumstances should adults in the school access inappropriate images. Accessing child pornography or indecent images of children on the internet, and making, storing or disseminating such material, is illegal, and if proven, will invariably lead to the individual being barred from work with children and young people.

Using school equipment to access inappropriate or indecent material, including adult pornography, would normally lead to disciplinary action, particularly if as a result students might be exposed to inappropriate or indecent material.

Staff should also refer to the School policy on internet usage and any policy on personal devices.



**This means that staff should:**

- Ensure all your passwords are kept strong and secure
- Be aware that images of others should be protected and be treated as carefully as you would your own
- Refer to the acceptable use of the Internet Policy for further guidance

## **5.12. Physical Contact with Students**

There are occasions when it is entirely appropriate and proper for staff to have physical contact with students, but it is crucial that they only do so in ways appropriate to their professional role.

A “no touch” approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with students this should be in response to their needs at the time, of limited duration and appropriate.

Staff should use their professional judgement at all times about the appropriateness of any physical contact.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be made clear to senior staff.

Physical contact which occurs regularly with an individual student is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to students with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review.

Some staff, for example who teach P.E., games, or who offer music tuition, will on occasions have to initiate physical contact with students in order to support a student so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the student’s agreement.

Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment. Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the student.

Young people are entitled to respect and privacy when changing clothes or taking a shower. However there needs to be an appropriate level of supervision in order to safeguard students, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the students concerned and sensitive to the needs and age of the students concerned and sensitive to the potential for embarrassment.

Staff, therefore need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the students.

There may be occasions when a distressed student needs comfort and reassurance. This may include age appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.

Where a member of staff has a particular concern about the need to provide this type of care and reassurances s/he should seek further advice from a senior leader.

**This means that the staff should:**

- Be aware that even well intentioned physical contact may be misconstrued by the student, an observer or by anyone to whom this action is described
- Never touch a student in a way which may be considered indecent
- Always be prepared to explain actions and accept that all physical contact be open to scrutiny
- Avoid any physical contact when students are in a state of undress and any visually intrusive behaviour
- Where there are changing rooms:
  - Remain in the room when groups are changing to provide adequate level of supervision
  - Ensure, wherever possible, that sensitive students are offered the opportunity to change privately
  - Not change in the same place as students
  - Not shower with students
- Consider the way in which they offer comfort to a distressed student
- Always tell a colleague when and how they offered comfort to a distressed student
- Record situations which may give rise to concern

**This means that the School should:**

- Ensure there is a system in place for recording serious incidents and the means by which information about incidents and outcomes can be easily accessed by senior leadership
- Provide staff, on a “need to know” basis, with relevant information about vulnerable students in their care
- Consider alternatives, where it is anticipated that a student might misinterpret any such contact, perhaps involving other member of staff, or a less vulnerable student in the demonstrations
- Always explain to a student the reason why contact is necessary and what form that contact will take unless their safety is at immediate risk

### 5.13. Behaviour Management

All students have a right to be treated with respect and dignity. Staff should not use any form of degrading treatment to punish a student. The use of humour can help diffuse a situation. The use of sarcasm, demeaning or insensitive comments towards students is not acceptable in any situation.

**This means that staff should:**

- Not use force as a form of punishment
- Try to diffuse situations before they escalate
- Keep parents informed of any sanctions

#### 5.14. Care, Control and Physical Intervention

All staff may legitimately intervene to prevent a student from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behaviour prejudicial to good order and to maintain good order and discipline. Staff should have regard to the health and safety of themselves and others.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

**This means that staff should:**

- Always seek to defuse situations
- Always use minimum force for the shortest period necessary

#### 5.15. Sexual Contact with Students

Any sexual behaviour by a member of staff with or towards a student is both inappropriate and illegal. Students are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether the child or young person consents or not. This includes the prohibition on adults in a position of trust (see 4.4). The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material.

There are occasions when adults embark on a course of behaviour known as “grooming” where the sole purpose is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. Staff should be aware that conferring special attention and favour upon a child might be construed as being part of a “grooming” process, which is an offence.

**This means that staff should:**

- Not pursue sexual relationships with children and young people either in or out of school
- Avoid any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact

#### 5.16. One to One Situations

All Staff working in one to one situations with children and young people are more vulnerable to allegations. Teachers and others should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure the safety and security needs to both staff and students are met.

Pre-arranged meetings with students away from the school premises should not be permitted unless approval is obtained from the parent and the Headteacher or other senior colleagues with delegated responsibility.

**This means that staff should:**

- Avoid meetings with students in remote, secluded areas of the school
- Ensure there is visual access and/or open door in one to one situations
- Inform other staff of the meeting beforehand, assessing the need to have them present or close by
- Avoid using confidential signs on meeting rooms or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy
- Always report any situation where a child becomes distressed or angry to a senior colleague
- Consider the needs and circumstances of the child/children involved
- Comply with the schools lone working policy.

### 5.17. Transporting Children

Wherever possible and practicable, it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting as escort. The driver must have their own appropriate vehicle insurance which should include business use.

In certain situations, for example, out of school activities, staff or volunteers may agree to transport children. A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties that may arise.

The school will retain overall responsibility for the transport arrangements and ensuring that the vehicles meet all legal requirements. Staff should ensure that their behaviour is safe, that the vehicle is roadworthy and appropriately insured and that the maximum capacity is not exceeded.

**This means the staff should:**

- Plan and agree arrangements with all parties in advance, responding sensitively and flexibly to disagreements
- Ensure they are alone with a child for the minimum time possible
- Be aware that the safety and welfare of the child is their responsibility until this is safely passed over to a parent / carer
- Report the nature of the journey, the route and expected time of arrival in accordance with the agreed procedures
- Ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety
- Take into account any specific needs that the child may have

**This means the school should:**

- The transport arrangements and vehicles used meet all legal requirements, are roadworthy, insured and used appropriately.

### 5.18. Extra-curricular activities

Staff should take particular care when supervising students in the less formal atmosphere of a residential setting or after-school activity.

During schools activities that take place off the school site or out of school hours, a more relaxed discipline or informal dress or language code may be acceptable. However all staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Students, staff and parents should be informed of these prior to the start of the trip.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in an out of school activity.

**This means that staff should:**

- Always have another adult present in /out of school activities, unless otherwise agreed with senior leaders in the school
- Undertake risk assessments
- Have parental consent to the activity
- Ensure that their behaviour remains professional at all times.

### 5.19. Intimate Care of Students

All children have a right to safety, privacy and dignity when contact of an intimate nature is required (for example assisting with toileting or removing wet/soiled clothing). A care plan should be drawn up and agreed with parents for all children who require intimate care on a regular basis.

Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. When assistance is required, staff should ensure that another appropriate adult is in the vicinity and is aware of the task to be undertaken.

Additional vulnerabilities that may arise from a physical disability should be considered with regard to individual teaching and care plans for each child. As with all arrangements for intimate care needs, agreements between the child, their parents and the organisation must be negotiated, agreed and recorded.

**This means that staff should:**

- Make other staff aware of the task being undertaken
- Explain to the child what is happening
- Consult with colleagues where any variations from agreed procedure / care plan is necessary
- Record the justification for any variations to the agreed procedure / care plan and share this information with parents

## 5.20. Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature. Care should be taken to ensure that resource material cannot be misinterpreted and clearly relate to the learning outcomes identified by the learning plan. The plan should highlight particular areas of risk and sensitivity.

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to student's questions can require careful judgement and staff may wish to take guidance from a senior member of staff.

Care should be taken to abide by the governing body's required policy on sex and relationships education and the wishes of parents. Parents have the right to withdraw their children from all or part of any sex educations provided (but not the biological aspects of human growth and reproduction necessary under the science curriculum).

**This means that staff should:**

- Have clear written lesson plans that highlight any particular areas of risk and sensitivity

## 5.21. Photography, Videos and other Creative Arts

Many School activities involve recording images. These may be undertaken as part of the curriculum, out of school activities, for publicity, or to celebrate achievement.

All Staff need to be aware of the potential for these aspects of teaching to be misused for pornographic or "grooming" purposes. Careful consideration should be given as to how these activities are organised and undertaken.

Using images of children for the school's publicity purposes should already have the consent of parents through the Home-School Agreement. Images should not be displayed on other websites, in publications or in a public place without additional consent.

Any CCTV recordings made at the school must also be compliant.

**This means that staff should:**

- Be clear about the purpose of the activity and about what will happen to the photographs when the lesson/activity is concluded
- Ensure that a senior member of staff is aware that the photography / image equipment is being used for and for what purpose
- Ensure that all images are available for scrutiny in order to screen for acceptability
- Be able to justify images of children in their possession
- Avoid making images in one to one situations

**This means that staff should not:**

- Have images of students stored on personal cameras, devices or home computers
- Make images of students available on the internet, other than through the school network / website with permission from parents and senior teachers

## 5.22. Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Please refer to the relevant Schools Whistleblowing Policy

Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of senior leadership and /or relevant external agencies. This is particularly important where the welfare of children may be at risk.

**This means that staff should:**

- Report any behaviour by colleagues that raises concern

## 5.23. Sharing Concerns and Recording Incidents

All staff should be aware of the School's child protection procedures, including procedures for dealing with allegations against staff. Staff who are the subject of allegations are advised to contact their professional association.

In the event of an incident occurring, which may result in an action being misinterpreted and/or an allegation being made against a member of staff, the relevant information should be clearly and promptly recorded and reported to senior staff. Early discussion with a parent could avoid any misunderstanding.

Members of staff should feel able to discuss with the line manager any difficulties or problems that may affect their relationship with students so that appropriate support can be provided or action can be taken.

**This means that staff:**

- Should be familiar with the School's Child Protection procedures
- Should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the School or workplace. See Safeguarding Policy for further information.

## Appendix 1 Relationships with students outside of Work declaration

It is recognised that there may be circumstances whereby employees of the school are known to students outside of work. Examples include membership of sports clubs, family connections, or private tutoring.

Staff must declare any relationship outside of school that they may have with students.

Employee Name	Student Name	Relationship

I can confirm that I am fully aware of the Code of Conduct relating to contact outside of School with students in line with this policy.

If I am tutoring a student outside of School I am aware that the following must be adhered to:

- I do not, at any point, teach the child in question as part of my daily timetable – this is a stipulation of such tutoring unless agreed by the head teacher
- I emphasise to parents that this is done completely independently of the School
- No monies come through the School at any point, informally (e.g. via the child) or formally
- No private tutoring is to take place on the School premises

I confirm that if these circumstances change at any time I will complete a new form to ensure the school are aware of any relationships.

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

Once completed, signed and dated, please return this form to the Head teacher



## Appendix 2 Professional Responsibilities

Professional responsibilities when using any form of ICT, including the Internet, in and outside of School:

For your own protection we advise that you:

- Ensure all electronic communications with student, parents, carers, staff and others is compatible with your professional role and in line with school policies.
- Are careful when talking about your professional role in any capacity when using social media such as Facebook and You Tube or similar. This should not include any detail that may be considered to be confidential.
- Do not put online any text, image, sound or video that could upset or offend any member of the whole school community or be incompatible with your professional role.
- Uses school ICT systems and resources for all school business. This includes your school email address, school mobile phone number and school video camera.
- Do not disclose any passwords and ensure that personal data (held in Management Information Systems software) is kept secure and used appropriately.
- Only take images of students and/or staff for professional purposes, in accordance with school policy and with the knowledge of the senior leadership team.
- Do not browse, download, upload or distribute any material that could be considered offensive, illegal or discriminatory.
- Ensure your online activity both in and out of school, will not bring the school or profession role into disrepute.
- Emails should be checked daily as a minimum on working days or every other day if one day is particularly busy.
- You have a duty to report any eSafety incident which may impact on you, your professionalism or the School.

## Version log

Version	Status	Date	Description of change	Reason for change	Pages affected
0.01	Draft	Sept 2016	New Policy for comment	New Policy	ALL
1.0	FINAL VERSION	January 2018	New Policy – final version	New Policy	ALL

**Workforce Equality Impact Assessment**

Title of the policy, activity or service change		Code of conduct policy (Schools)
Description of the policy, activity or service change		
Purpose of policy is to clarify expectations regarding the required standards of behavior for all staff working within schools. It gives clear advice about what constitutes illegal behavior and what might be considered as misconduct. It also describes safe practice and which behaviours should be avoided.		
Does this affect all or part of the workforce?		Part
If part, please summarise the staffing group that will be affected by the proposal:		
School based staff only.		
<b>Categories</b>	<b>Is there a disproportionate negative impact on any of the categories? (Y/N)</b>	<b>If yes, describe the impact</b>
Age	No	
Disability	No	
Gender Reassignment	No	
Marriage and Civil partnership	No	
Pregnancy and maternity	No	
Race	No	
Religion or Belief	No	
Gender	No	
Sexual Orientation	No	
Permanent / interim staff	No	
Full time or part time	No	
<b>Name of person completing the Workforce EIA</b>		Julie Davies

<b>Head of Service responsible for the policy, activity or service</b>	Tracey Sampson
<b>Date (that the EIA was completed)</b>	25 <sup>th</sup> January 2018

## Guidance Notes on completing this form

By completing this Workforce Equality Impact Assessment we aim to place equality at the centre of decision-making, policy and practice.

It's a process that helps you assess the impact (actual or likely) of a significant service or functional change, or policy has on different sections of our workforce.

### 1. What is meant by a negative “disproportionate Impact”?

This is an impact that could significantly disadvantage one or more of the categories listed. This disadvantage may be differential, where the negative impact on one particular group of individuals or equality group is likely to be greater than on another group. This is similar to the principle of indirect discrimination. The EIA provides an opportunity to assess this.

### 2. When should a Workforce Equality Impact Assessment be carried out?

A workforce EIA should be carried out when:

- a. Reviewing existing policies, activity or a service that impacts our workforce.
- b. Developing a new policy, activity or a service that impacts our workforce.

A workforce EIA may be triggered by changes to either external or internal policies, activities or services

### 3. At what stage should a Workforce Equality Impact assessment be completed?

This will depend on whether the proposed changes to policies, activity or services are external (i.e. affecting the residents of Herefordshire) or internal:

- a. **External** - A workforce EIA should be completed after the proposed policy or service changes have been identified and the service area has completed their EIA of the proposed changes. If those changes impact our workforce then a workforce EIA is completed prior to implementation of the new policy, activity or service.
- b. **Internal** – A workforce EIA should be completed after the proposed policy, activity or service changes have been identified and prior to implementation of the new or revised activity, policy or services.

### 4. Does a negative impact on our workforce mean that we can't implement policy, activity or service changes that disproportionately impact our workforce?

This is not the purpose of Workforce EIA. It helps you take action to reduce or remove inequalities and unlawful discrimination and promote equality better. Where there is a disproportionate impact it enables us to:

- a. Amend a proposed policy that would discriminate unlawfully, whether directly or indirectly, against particular equality groups.
- b. Enable us to fulfill our duties under the Equality Act 2010 to make reasonable adjustments for members of staff.
- c. To identify and assess risk

### 5. Who should carry out the Workforce Equality Impact Assessment?

An EIA should be completed by more than one person in order to broaden the range of perspectives and knowledge to be brought to the process. In general, the team should involve a member of the HR team plus the Head of Service responsible for the policy or activity. The

Head of Service may also be a member of the HR team, if the policy change relates to an HR policy. The EIA will develop service actions that will form part of the Service Plan and, therefore requires Head of Service involvement.

6. **How do I complete the Equality Impact Assessment?**

You should be **documenting your key findings (particularly negative impacts - actual or potential)** or gaps in knowledge about the likely impact. It should be a *relatively short process* which makes use of previous consultation results, personal knowledge & experience, research and reports, internet searches, internal and external specialist advice and staff with previous experience of similar policies or activities etc as appropriate.

