



Liverpool
City Council

Celebrating Ethical Leadership Across Liverpool



Framework for Ethical Leadership in
Education – Liverpool

Liverpool City Council,

Developed by SIL on behalf of LCC



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Further Case Studies can be found on the NGA [website](#).

*With thanks to NGA who have given permission to use and adapt their resources for use across Liverpool's Educational Settings, October 2022.



Celebrating Ethical Leadership Across Liverpool's Education Sector

In 2017, the Association of School and College Leaders (ASCL) announced a commission on ethical leadership in education. The final report from the commission, [Navigating the educational moral maze](#), was launched in 2019. The Commission developed the Framework for Ethical Leadership in Education, which builds on the Nolan Principles of Public Service.

Later in 2019, the National Governance Association (NGA) launched the Pathfinder Project. The project aimed to gain an understanding of the practical application and impact of the Framework for Ethical Leadership in Education as well as trying to reach as many school leaders, governors and trusts to identify how the framework would work for leaders at different levels in different contexts, phases and school types.

The evaluation of the project, [Paving the way for ethical leadership in education](#), was published in January 2021. This campaign was relaunched in April 2023.

Building on the Framework for Ethical Leadership in Liverpool

Interest in using the Framework for Ethical Leadership in Education was raised within the Priority 4 Action Learning Group, driving forward Liverpool's Education Improvement Plan. The aim to ensure Liverpool recruits, develops, supports and retains the best teachers and leaders recognise that '**great leaders create great teachers.**' Liverpool Education Improvement Plan, 2021

An Ethical Leadership Working Party was formed, with representation of educational leaders from across Liverpool. The group worked together to plan the most effective way to drive the virtues and characteristics of the Nolan Principles of Public Life and Framework for Ethical Leadership in Education forward.

There was agreement that the virtues and characteristics represented in the Framework for Ethical Leadership in Education are at, and should always be at, the forefront of our minds when making decisions. Leaders believe the Framework for Ethical Leadership in Education should be used to give a common language to leaders across the city.

"Using the language of the Framework for Ethical Leadership in Education to support decision making will benefit the children and young people of Liverpool."

Jonathon Jones, Deputy Director of Children's Services & Director of Education.



Development of Ethical Leadership across Liverpool – Phase 1

The working party believe the Framework for Ethical Leadership in Education should be embedded into all that we do, but importantly, without increasing workload for leaders. They feel the most effective way to do this is:

- the Framework for Ethical Leadership in Education is to be adopted by educational leaders, giving a common language when making decisions; educational leaders are given for an introduction to Ethical Leadership; this includes an introduction for school governors and owners/committee leaders of non-maintained early years settings.
- educational settings are to be given an opportunity to sign up to a Liverpool pledge to promote ethical leadership.
- educational leaders will be offered support from SIL colleagues through a discussion to support the implementation of Ethical Leadership within their setting.
- a set of Liverpool based ethical dilemmas, produced by SIL, are included in this document to support professional discussions with leaders. Leaders can use these how and when it is supportive for them.

Liverpool Pledge:

As an educational leader, I am committed to the virtues and values of ethical leadership.



Framework for Ethical Leadership in Education

SELFLESSNESS | Educational Leaders should act solely in the interest of children and young people.

INTEGRITY | Educational Leaders must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. Before acting and taking decisions, they must declare and resolve openly any perceived conflict of interest and relationships.

OBJECTIVITY | Educational Leaders must act and take decisions impartially and fairly, using the best evidence and without discrimination or bias. Leaders should be dispassionate, exercising judgement and analysis for the good of children and young people.

ACCOUNTABILITY | Educational Leaders are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS | Educational Leaders should expect to act and take decisions in an open and transparent manner. Information should not be withheld from scrutiny unless there are clear and lawful reasons for so doing.

HONESTY | Educational Leaders should be truthful.

LEADERSHIP | Educational Leaders should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles, and be willing to challenge poor behaviour wherever it occurs. Leaders include both those who are paid to lead schools and colleges and those who volunteer to govern them.

Educational Leaders serve children and young people and help them grow into fulfilled and valued citizens. As role models for the young, how we behave as leaders is as important as what we do.

Educational Leaders should show leadership through the following personal characteristics or virtues:

TRUST | leaders are trustworthy and reliable
We hold trust on behalf of children and should be beyond reproach. We are honest about our motivations.

WISDOM | leaders use experience, knowledge and insight
We demonstrate moderation and self-awareness. We act calmly and rationally. We serve our schools and colleges with propriety and good sense.

KINDNESS | leaders demonstrate respect, generosity of spirit, understanding and good temper
We give difficult messages humanely where conflict is unavoidable.

JUSTICE | leaders are fair and work for the good of all children
We seek to enable all young people to lead useful, happy and fulfilling lives.

SERVICE | leaders are conscientious and dutiful
We demonstrate humility and self-control, supporting the structures, conventions and rules which safeguard quality. Our actions protect high-quality education.

COURAGE | leaders work courageously in the best interests of children and young people
We protect their safety and their right to a broad, effective and creative education. We hold one another to account courageously.

OPTIMISM | leaders are positive and encouraging
Despite difficulties and pressures, we are developing excellent education to change the world for the better.

Adapted from the original





Ethical Dilemma Early Years Case Study 1: Charges to Families in Early Years Settings.

Early Years settings play an integral part in ensuring all children have access to high quality early years education and care. The Early Years Foundation Stage (EYFS) sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

The Childcare Act (2016) places a duty on English local authorities to secure free childcare, following these EYFS standards, for qualifying children (2,3 and 4 year olds). Not only does the free childcare scheme substantially improve the life chances of thousands of children, it also supports families by enabling parents to continue working.

Government funding is intended to deliver this free, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional activities. Parents can expect to pay for meals and other consumables or additional activities, such as nappies or trips. However, providers must offer alternative options for parents.

This could include, for example, allowing a parent to bring in their own consumables or a packed lunch meal. Providers should be mindful of the impact of additional charges on the most disadvantaged parents. (*Early Years entitlements Operational Guidance 2018*)

Providers should deliver the free entitlements consistently, so that all children within a setting accessing any of the free entitlements receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables. Providers should be completely transparent about any additional charges.

This should be clear on invoices and receipts, allowing parents to see that they have received their child's free entitlement completely free of charge and understand fees paid for additional hours or services. (Early Education and childcare statutory guidance 2018)

Imagine

You have been working as manager at a PVI setting for a number of years. The setting has offered both funded and fee paying places successfully over a substantial period of time. Currently parents pay a minimal additional charge for consumables on top of their hourly rate. Some parents have opted to provide their own consumables, but the vast majority have been happy with the arrangement and pay the charge happily.

Rising costs of energy, day to day items, such as cleaning products, food and resources such (e.g., paint and paper) are beginning to have a hugely detrimental impact on the sustainability of the setting. You are also aware that staff had not had a pay increase in line with inflation and staff are leaving, to secure jobs with higher paying salaries.

You could ask parents to supply additional funds for consumables, although you are aware that many are funded places and may be from disadvantaged backgrounds, where money is very tight. It has been suggested by another nursery manager that you could just raise the hourly rate of childcare for non-funded children, as these parents are more able to afford the rise.

This would help to cover the cost increases for all children. The same manager also reminds you that 30 hours places are for children from working families, so this could mean they would be more able to pay



an additional charge. If you just didn't make it clear that this was optional, they would probably pay it without question. The parents are always supportive when changes are made.

What will you do?

Using the framework:

Selflessness	Would this decision be in the best interests of all children and families?
Honesty	Is this an honest decision? Are parents clear where all of the additional funds will be spent?
Openness	Would you be comfortable with this decision being reported openly?
Objectivity	For whom would this decision be best? Is there another way to solve this problem?
Integrity	Would you feel obliged (by someone else) to make this decision? Would you have been overly influenced by the other manager if you make this decision?
Accountability	Would the setting owner be comfortable with this decision? Would the parents paying a higher rate truly be happy if given the option?
Leadership	How would leading on this decision make you feel? Would you be able to justify it as a good leadership decision to others?
Trust	Can parents trust that this and future decisions are fair and balanced?
Wisdom	Would this decision inform future decisions on charges? What would you learn from it?
Kindness	Is this decision kind to all involved?
Justice	Have all children and families been treated equally following this decision?
Service	Is this decision going to contribute to maintaining a stable EYs sector?
Courage	What do you do when financial pressures complicate decisions?
Optimism	Would this decision support confidence in the positive future for the EYs sector?



Ethical Dilemma Early Years Case Study 2: Dealing with difficult staff.

It is a mandatory requirement in a setting to have an employment contract that you have issued to all staff which complies with current employment legislation.

As an owner or manager of an Early Years Setting, it is considered good practice to have a Code of Conduct or similar guidance in place to clearly lay out your expectations and principles for acceptable workplace behaviour for your setting. A high standard of action by employees will only enhance your reputation and work environment.

A Code of Conduct for staff offers guidance on reasonable conduct with children. This will be in line with your setting ethos and vision. Staff must always be mindful of the fact that they hold a position of trust, and that their behaviour towards children should always be exemplary. Leaders should also exhibit leadership principles in their own behaviour. They should actively promote and robustly support the guidance and be capable to identify and deal with challenging behaviour wherever it occurs.

For supporting and managing staff behaviour in the EYFS (3.22) it states that ***“Supervision should foster a culture of mutual support, teamwork and continuous improvement, which encourages the confidential discussion of sensitive issues.”*** It also states that Supervisions should provide opportunities for staff to identify solutions to address issues as they arise and receive coaching to improve their personal effectiveness. The term ***‘difficult employee’*** is often used to refer to a worker who fails to conduct themselves in the workplace in a responsible and/or professional manner. A difficult employee might be one who is lazy, refuses to follow instructions, or who is defensive, obstructive, disruptive, abusive or rude.

All actions concerning children must uphold the best interests of the young person as a primary consideration. Early years providers have a duty under Section 40 of the Childcare Act 2006 to comply with the welfare requirements of the EYFS. With reference to managing children’s behaviour in the EYFS it states, ***“Providers must not give or threaten corporal punishment to a child and must not use or threaten any punishment which could adversely affect a child’s wellbeing.”***

Imagine

You have a hard-working and long-serving staff team who are committed to the best for the children who attend your setting. Two new practitioners have recently joined your team. Since joining, one of the new staff has been quite outspoken about her negative feelings regarding the provision and ethos of the setting. The other new staff member has been complaining that break times are not long enough, despite meeting requirements of law. As the manager, during the induction you shared your policies and explained your vision and ethos to the new practitioners. A code of conduct was also signed and agreed with the new staff.

Other staff members have come to share the difficulties they are facing when working with the new staff. There have been complaints that they are very negative and at times both new staff members have been reported to have raised their voices to children when dealing with negative behaviour, which is not part of the setting approach.

You decide to spend time in the rooms to model and coach the new practitioners, reminding and explaining the reasoning behind practice and behaviour management. You decide to carry out a settling-in supervision with the practitioners to talk through how they are getting on and to set targets. This gives



the new practitioners an opportunity to share their thoughts and also for you to focus in on some of the issues raised by the team.

One of the new staff members has complained they need extra time for vaping breaks. During the supervision the other practitioner has argued that how they speak to children and the tone used is acceptable, which you disagree with based on your observation. You re-share the behaviour policy and give examples of tone and words to be used.

You explain that as you have already mentioned this to them in the room, that this will be an informal warning about their conduct. The practitioner shares that they have a medical condition that can make it difficult to realise when being inappropriate with their tone.

**You seek further guidance from HR on how best to support this staff member moving forward.
How would you proceed?**

Using the framework:

Selflessness	Leaders should always act in the interest of children. Have you considered the staff and children?
Honesty	If called to account for your decisions, are there any aspects of any of your decisions which would cause you a problem if you had to be absolutely truthful? Have you, as a leader, had an opportunity to be honest and open about the challenges you are facing through your own supervision?
Openness	Are you comfortable with your decisions being reported openly and objectively? Why did you decide to do what you do? Is there another way of looking at it? Have you been transparent?
Integrity	Who or what influences or influenced the choices you made? Accountability Are you comfortable reporting your decisions openly to a governing board?
Leadership	Leaders should exhibit leadership principles in their own behaviour. They should actively promote and robustly support leadership principles and be capable to identify and deal with challenging behaviour wherever it occurs. Have you been exemplary with how you have dealt with this?
Trust	Can parents trust that the decisions you have made are fair and balanced? Wisdom Will your decisions stand the test of time? We hold trust on behalf of children and should be beyond reproach. We are honest about our motivations.
Kindness	Do your decisions work fairly for everyone? A good leaders demonstrate respect, generosity of spirit understanding and good temper. Have you given a difficult message kindly?
Service	Leaders are conscientious and dutiful Have you demonstrated humility and self-control, supporting the policies and procedures which safeguard quality? Our actions protect high-quality education.
Courage	Leaders work courageously in the best interests of children. Can this be said of the decisions and actions taken?
Optimism	Leaders are positive and encouraging. Despite difficulties and pressures, has what you have done helped to develop excellent education to change the world for the better?



Ethical Dilemma Early Years Case Study 3: Parent partnership.

The EYFS recognise that strong and respectful partnership working, between practitioners and parents/carers is of great benefit to children. This sets the scene for children to thrive in the early years. This includes listening regularly to parents and giving parents clear information about their children's progress.

"The help that parents give their children at home has a significant impact on their learning. Practitioners knowing and understanding children and their families, supports settings to offer extra help to those who need it most." (Development Matters 2022)

"Each unique family must be welcomed and listened to. A welcoming atmosphere in the setting should be evident from the moment an enquiry is made to a setting regarding their child, and it is essential that all families feel that they belong." (Birth to 5 Matters 2022)

The role of the key person is central to this. The EYFS statutory framework states that ***"each child must be assigned a key person. Their role is to help ensure that every child's care is tailored to meet their individual needs to help the child become familiar with the setting, offer a settled relationship for the child and build a relationship with their parents."*** (EYFS 2021)

This role is of particular importance during times of transition for the child. Arguably the most significant transition for child, can be when they separate from their primary caregivers at the start of a session at their EY setting.

Transitions between home and setting are also opportunities for professional dialogue both within and between settings, as well as with the home. Birth to 5 Matters suggests organising working patterns and activities to allow the key person or secondary key person to be available to support children and their parents separating and reuniting at the beginning and end of the day/session.

Imagine

You are the manager of a busy EY setting, with four rooms, each with around 15-20 children. Prior to the Covid pandemic, parents were welcomed into the building, often using this time at pick up to share if they had any concerns about their child's development or even just chat. This helped to build relationships between the key person and the family.

The system worked well, although at times, the corridors were busy and some parents became upset when they could see their child struggling with separation, through the door. At times, parents ***'hanging around'*** and becoming distressed themselves was tricky to manage.

Covid protection measures changed these routines. You established a new system, where children were dropped off and picked up at the door.

There would be a rota of staff to meet children and take them to their key person. These staff members had a notebook, to enable parents to share any information they needed to. Following parent feedback, parents were able to request to see the child's key person at collection/drop off on that day or the following day. However, this was dependent on staff cover available. From time to time, when staff sickness absence was high, you were not able to facilitate this. This caused parents to be unhappy.



Many of the families have now heard that a nearby EY setting is allowing parents into the building as part of routine again. This has made them question why this is not happening here. Parents are keen to have face to face contact with the key person again and also to see the room where their child is every day. They want to feel a part of the setting. It appears that families have been sharing their concerns with one another on a parent group chat. You are feeling pressure to change the routine.

Staff in the rooms feel that the current system is better. They feel that children settle more quickly when the transition happens at the door and not having parents in the corridor and in the doorway to the room makes their work much easier. It is one less thing for them to worry about. They don't see why communicating with families via a parent sharing app, with photos etc. shouldn't be enough. As manager, you are keen for staff to be happy, particularly as recruitment and retention is such a challenge at the moment. However, your belief is that parent/staff/child relationships were stronger under the pre-Covid system.

What will you do?

Using the framework:

Selflessness	Would this decision be in the best interests of all children and families? Have you considered the needs of staff and how to best support them in their roles?
Honesty	Could you honestly say that not having parents in the building is in the best interests of the child? Can you be honest with parents about the issues that you had found under the old system?
Openness	Can you be open with staff and families about this dilemma?
Objectivity	For whom would this decision be best? Is there another way to solve this problem?
Integrity	Do you feel obliged (by someone else) to make this decision? Would you have been overly influenced by staff or pressure from neighbouring settings decisions, in making your own decision?
Accountability	What accountability to you bear for ensuring the EYFS is implemented fully, supported by non-statutory guidance in this area?
Leadership	How would leading on this decision make you feel? Would you be able to justify it as a good leadership decision to others?
Trust	Can families and staff trust that this and future decisions are fair and balanced?
Wisdom	What insight will you gain from this decision? Would you learn anything from it?
Kindness	Is this decision kind to all involved?
Justice	Would all children and families have been treated fairly following this decision?
Service	Is this decision going to contribute to maintaining high standards of care in your setting?
Courage	How will you talk to staff and families about this?
Optimism	Are you confident that this decision would support staff and families' understanding of your setting's commitment to high quality care?



Ethical Dilemma Early Years Case Study 4: Expectations of staff working additional hours.

Leaders who create trusting, collaborative working relationships and understand the importance of staff wellbeing are key to high quality early years provision. The adults working in every setting need to enjoy and achieve in their role and feel they make a positive contribution. (Birth to 5 Matters 2021)

The Early Years Inspection Handbook recognise this in its judgements. To achieve an outstanding grade for leadership and management, leaders must show that they:

“Engage with their staff and are aware of the main pressures on them. They are realistic and constructive in the way they manage staff, including their workload, to avoid any unnecessary burdens.” (Ofsted Early Years Inspection Handbook, 2023)

The culture of the setting begins with leadership. Where the setting has a culture, which is supportive of staff, where both trust and high professional standards are maintained, they are more likely to improve. It is also important to note that leaders have a duty of care to children and practitioners. (Early Years Leadership Framework)

In addition, understanding and adhering to the law and statutory guidance related to employment and policy and processes related to pay and conditions are central to good early years leadership. For example, employment law surrounding overtime states that:

“You only have to work overtime if your contract says so. Even if it does, by law, you cannot usually be forced to work more than an average of 48 hours per week. You can agree to work longer - but this agreement must be in writing and signed by you.” (gov.uk – Overtime your rights)

Managing these elements of leadership can be a tricky balancing act for Early Year Leaders, ensuring high quality provision takes hard work and often long hours are worked by staff. Financial pressures and difficulties in recruiting staff often add to these difficulties.

Imagine

You have recently taken up a position as manager of an early years setting, which has just had an Ofsted Inspection, receiving an overall grade of Requires Improvement. You have done lots of work with the staff on team building and valuing the importance of professional development for staff. The staff have really taken on board and implemented new strategies and made significant changes to the learning environment, as a result of their learning from professional development attended. Many staff have taken it upon themselves to work after hours in setting up the rooms and taking pride in learning enhancements and interactive displays they have created.

In supervisions, they have reported feeling valued, as their input has been seen as important and they have been invested in with training opportunities.

All of this has had such a positive effect, and you can already see the impact on children’s learning and development. There has been a positive atmosphere and you have felt that everyone has been so on board and happy to give their all.

However, recently staff sickness absence has begun to be a frequent issue. Unfortunately, the owners have a policy of not using agency staff and so you have to juggle the staff you have to cover. The setting is well staffed though, and have several part time staff, who at the start, often offered to work extra hours to cover if needed. You are aware that at least two part time staff do not have other responsibilities when they are not at work.



Recently they have become reluctant to work any overtime. This week, if nobody works overtime, the setting will have to close. You would rather not lean on the staff and make them feel under pressure to work the extra hours, but they need to understand the implication if they are not prepared to do this. In your frustration and worry about keeping the setting open, you have found yourself wondering: ***“If they are not at work, what else are they doing anyway?”***

What will you do?

Using the framework:

Selflessness	Would your decision be in the best interests of all children and families? Have you considered the needs of staff and how to best support them in their roles?
Honesty	Could you honestly say that having these expectations is right for everyone? If you are honest, is it that you are judging by your own standards?
Openness	Can you be open with staff and families about this dilemma? Do they understand that staffing is an issue?
Objectivity	For whom would this decision be best? Is there another way to solve this problem?
Integrity	Do you feel obliged (by someone else) to make this decision? e.g., owners' expectations, pressures from families.
Accountability	What aspect of accountability has made you act this way? What accountability to you bear for keeping the nursery open?
Leadership	How would leading on this decision make you feel? Would you be able to justify it as a good leadership decision to others?
Trust	Can families and staff trust that this and future decisions have been made with everyone's best interests at heart?
Wisdom	What insight will you gain from this decision? Would you learn anything from it?
Kindness	Could you have been kinder?
Justice	Would all staff have been treated fairly following this decision?
Service	Is this decision going to contribute to longer term high quality provision and sustainable childcare?
Courage	How will you talk to staff/families about this?
Optimism	What can you do to recover staff positivity and optimism moving forwards?



Ethical Dilemma Early Years Case Study 5: Professional Development Opportunities.

As an Educational Leader/Manager it is important to be reflective and self-evaluative of your setting and the impact on the children who attend. Leaders demonstrate respect, generosity of spirit understanding and good temper.

“A quality learning experience for children requires a quality workforce. A well-qualified, skilled staff strongly increases the potential of any individual setting to deliver the best possible outcomes for children.” (Statutory Framework for EYFS, 2021)

“An effective key person approach builds on attachment theory. Every child needs warm, loving and consistent care from their special adult. That strong relationship helps children to become more confident and to develop a wider web of relationships with other children and with adults. Key people can help young children to develop their awareness and understanding of their emotional states...”

Effective early years settings are always ambitious to become better. Professional development can lead to improvements in quality. But, in practice, it doesn't always succeed in that. Professional Development has to be planned carefully, delivered well and regularly evaluated. It needs to be seen as a year-round activity, not a one-off event...

Leaders and managers need to prioritise high-quality, sustained professional development for our team. We need to have in-depth professional knowledge as well as practical experience and passion” (Julian Grenier, Working with the Revised EYFS, 2020)

Imagine

As part of your annual self-reflection and the writing of your Focused Improvement Plan you identify that staff Career Professional Development (CPD) is an area for concern and development to meet the current needs of the children and staff. Since the Covid pandemic, very little professional development has been attended by staff. You research and spend time considering which evidenced-based training would be most suitable and secure places on. However, being faced with various staffing issues you are struggling to release staff to commit to and attend the CPD training.

Due to the recruitment crisis and staff sickness, you are conscious that there are already a high number of agency staff being used each week. By taking more staff out of rooms for training you could also be negatively affecting the children due to the strong attachments made with the permanent staff team. You make the decision to attend all the different CPD courses yourself, as the Deputy Manager will be able to cover your absence and you commit to feeding back to staff during staff training twilight sessions throughout the year.

You are also confident that you would be able to share your increased knowledge through the Supervision cycle with staff who require certain aspects. You will be able to coach and model this to the staff and set appropriate targets to ensure implementation. You explain this to the staff in a staff memo however have received some negative feedback from staff regarding this decision.



Is this the correct decision?

Using the Framework:

Selflessness	Leaders should always act in the interest of children. Have you given consideration to staff and the children?
Honesty	If called to account for your decisions, are there any aspects of any of your decisions which would cause you a problem if you had to be absolutely truthful? Have you, as a leader, had an opportunity to be honest and open about the challenges you are facing?
Openness	Are you comfortable with your decisions being reported openly and objectively? Why did you decide to do what you do? Is there another way of looking at it? Have you been transparent?
Integrity	Are you accountable to anyone for your action? Are you comfortable reporting your decisions openly to your governing board?
Leadership	Would trustees and governors support your decisions? Are you able to justify this as a good leadership decision to others if and when challenged?
Trust	Can parents trust that the decisions you have made are fair and balanced? Will your decisions stand the test of time? We hold trust on behalf of children and should be beyond reproach. Are you being honest about your motivations?
Kindness	Are your decisions thoughtful and do they serve the wider public interest? Do your decisions work fairly for everyone?
Service	Leaders are conscientious and dutiful. We demonstrate humility and self-control, supporting the structures, conventions and rules which safeguard quality. Have your actions protected high-quality education?
Courage	What do you do when financial pressures complicate decisions? Are you working courageously in the best interests of children and young people?
Optimism	As a leader have you been positive and encouraging? Despite difficulties and pressures, is what you have done helped to develop excellent education to change the world for the better.



Ethical Dilemma Early Years Case Study 6: Staffing.

The Early Years Foundation Stage (EYFS) sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. When considering the ratio requirements within a setting, the quality of care and safety and security of children must be maintained at all times.

As stated in Statutory Framework for EYFS, 2021, 3.29, ***“Staffing arrangements must meet the needs of all children and ensure their safety. Providers must ensure that children are adequately supervised, including whilst eating, and decide how to deploy staff to ensure children’s needs are met. Providers must inform parents and/or carers about staff deployment, and, when relevant and practical, aim to involve them in these decisions. Children must usually be within sight and hearing of staff and always within sight or hearing.”***

Much of the day-to-day responsibility for managing employees' health and wellbeing falls on leaders in settings. It is an employer's duty to protect the health, safety and welfare of their employees and other people who might be affected by their work activities. Employers must do whatever is reasonably practicable to achieve this. (Health and safety executive [hse.gov.uk](https://www.hse.gov.uk))

Suitable students on long term placements and volunteers (aged 17 or over) and staff working as apprentices in early education (aged 16 or over) may be included in the ratios if the provider is satisfied that they are competent and responsible. (Statutory Framework for EYFS, 2021)

There are many aspects to balance in the strong leadership of an early years setting, including good financial, human and educational resource management, strategic planning, employee relations and risk management. (Early Years Leadership Framework)

Imagine

Your setting is under financial pressure due to various reasons which have included recent price rises for utilities, shopping, agency bills, increase in rent and rates. As requested by the owner, you as the manager have had to look closely at expenditure and staffing. Staff sickness and absence has been at an all-time high. You have made changes to food wastage and energy consumption across the setting. Staff have also been resourceful with regards to recycling and reusables.

You have recently taken on an apprentice and the owner is keen for the apprentice to be used in the ratio. You are just getting to know the capabilities of the apprentice and have requested three months working with them before making this decision. The owner is keen for this to happen sooner as reluctant to employ more staff and is getting frustrated by the agency bill. There have been times that you have had to reluctantly use the apprentice in ratio covering lunches and during sleep times, as staff often leave the premises during breaktimes.

As the Manager, you have concerns as there are currently two new children to the Toddler room who have started at the setting. They are presenting with emerging needs and have been displaying some challenging behaviour. Staff have expressed their concern as the children currently require a lot of 1:1 attention meaning it has been difficult to spend time and attend to the needs of other children in the room. Both of the new children are struggling with the amount of choice on offer, so staff have been adapting the provision to support the children in settling into the room. The strain of working with the bare minimum staff is also beginning to take its toll on the staff. Staff have shared their concerns that agency staff do not know the children well and setting routines, so their workload increases.



Stress levels have increased across the setting, which you observe to also be impacting the children. You have asked the owner to limit the number of children as staff are working to capacity, but the owner wants to increase capacity. You also work hard to encourage a positive staff team and often join staff in ratio to support the team.

What decisions will you make?

Using the Framework:

Selflessness	Leaders should always act in the interest of children. Have you given consideration to staff and the children?
Honesty	If called to account for your decisions, are there any aspects of any of your decisions which would cause you a problem if you had to be absolutely truthful? Have you, as a leader, had an opportunity to be honest and open about the challenges you are facing within your supervision?
Openness	Are you comfortable with your decisions being reported openly and objectively? Why did you decide to do what you do? Is there another way of looking at it? Have you been transparent?
Integrity	Have you delivered the EYFS framework with honesty and consistency? Is the quality of education on offer for all children what they deserve? Decisions made should be both legal and in the interest of children.
Leadership	How would leading on this decision make you feel? Would you be able to justify it as a good leadership decision to others?
Trust	Can parents trust that the decisions you have made are fair and balanced? Are you beyond reproach?
Kindness	Are your decisions thoughtful and do they serve the wider public interest? Do your decisions work fairly for everyone? Have you been kind?
Service	Is this decision going to contribute to maintaining a stable EYs sector? Leaders are conscientious and dutiful.
Courage	What do you do when financial pressures complicate decisions? Leaders work courageously in the best interests of children and young people, have you done this? We protect their safety and their right to a broad, effective and creative education.
Optimism	Are you confident that your decisions provide assurance about our education system and contribute to public confidence? Have you been positive and encouraging?



Ethical Dilemma Schools' Case Study 1: Apprenticeships.

"High-quality apprenticeships are particularly important right now. They play such a big part in making sure that the economy has the right skills to grow. And while they may be mainly aimed at young people, they can be just as valuable for those wanting a career change." Amanda Spielman, Annual Apprenticeship Conference, March 2023.

Hiring an apprentice is a productive and effective way to grow talent and develop a motivated, skilled and qualified workforce. It is the aim of the government that as an employer, you use apprenticeships to:

- fill key skill gaps in your school
- boost employee motivation by investing in their development
- improve retention of your workforce

By offering an apprenticeship, schools can access financial support offered by the government for an apprentice to train on the job whilst studying alongside their new role.

This means that:

- Schools can access government funding to support an apprentice
- Schools can shape the training of apprentices to enable them to be a key member of the school team
- An apprentice can gain qualifications whilst training in a place of employment, preparing them for a future career in this field
- Once qualified, the apprentice can be part of your workforce

In tight fiscal environment, spending decisions are difficult and fraught with very real moral and ethical considerations.

Imagine

Your school is under financial pressure. You are struggling to set a balanced budget. Last year, you employed an apprentice. They are a valued member of the team, with strong attendance. They have developed a productive working relationship with the lead for mathematics and has been successfully leading an intervention group.

Your investment in high quality professional development for the apprentice has had a positive impact on their practice and you have seen an improvement in outcomes for the children and young people who have been supported in the group.

An LSA has recently resigned to take up a post at another school. Given the success of the recent apprenticeship, you consider have a vacancy in your school. Two members of teaching staff have successfully completed an application for UPS3, which has increased staffing costs. You tell your Chair of Governors that you will not be able to set a balanced budget this year and discuss ways to make savings. You feel it is your moral duty to employ the apprentice as a permanent member of the school team, however, the Chair of Governors points out that this would increase staffing costs further.



The most cost effective way forward is to replace the qualified apprentice with a new young apprentice, paying the lowest salary in the apprenticeship range. By replacing the LSA with another young apprentice, further savings would be made.

What should you do?

Using the framework:

Selflessness	What is the best option for the children and young people in school?
Accountability	Can you justify your actions and decisions?
Openness	Do you feel able to be open and transparent about your decision to others?
Integrity	Has your decision to do the right thing been influenced by others? Are you confident you have made the right decision?
Trust	Have you acted with propriety when making your decision?
Wisdom	Have you used your knowledge and experience when making choices?
Optimism	Despite challenges, have you considered what is the best decision to develop excellent education within your school?



Ethical Dilemma Schools' Case study 2: Flexible working in leadership.

In the recent DfE publication, Flexible Working in Schools: exploring the costs and benefits, January 2023, it was outlined that:

"The Department for Education (DfE) has committed to promoting flexible working within schools. The Teacher Recruitment and Retention Strategy (January 2019) set out DfE's commitment to support schools to implement flexible working and to establish a culture that values flexible working at all career stages. The schools' white paper Opportunity for All (March 2022) reinforced this commitment."

A key finding in the publication is:

"The benefits of flexible working were generally seen to outweigh the costs, as leaders felt that flexible working helped retain good staff and improved teacher wellbeing, which was perceived to ultimately lead to better pupil outcomes."

Imagine

You are recruiting for an Assistant Headteacher post. There are two applicants, who are both internal.

The first applicant is full time. She meets all of the essential criteria and some of the desirable points for the post. The panel agree that she shows potential to be a strong leader but currently has limited leadership experience, so if successful would need support. She shows commitment in the areas that interest her but generally, does not volunteer to offer support outside of her role. She has expressed an interest in completing leadership training, if successful in post.

The second applicant is the strongest throughout the recruitment process. She meets all of the criteria in the application. She has completed leadership training. She recently returned from maternity leave and requested a reduction in hours to 0.8FTE, which has been agreed. This is to support her personal circumstances.

The applicant enthusiastically supports initiatives across the school. She is also the person that other staff members turn to for support and advice, particularly around their emotional health and wellbeing. She is always willing to coach and mentor new staff. A commitment to wider reading supports her current and up to date knowledge of current educational issues is apparent. She has significant leadership experience as a subject and phase leader.

The post is advertised as a full time post. The second applicant has asked if she can be considered in the role on a 0.8 FTE. The recruitment panel have questioned her commitment to role if she is not willing to work full time. Governors are also concerned about the workload of the Headteacher if the retiring full time Assistant Headteacher is not replaced by a full time member of staff. As the post is 0.8FTE, it would be difficult to offer this post as a job share.



What is the right decision?

Using the framework:

Objectivity	Have you appointed the right person for the post using the best evidence available? Has your decision been made without discrimination or bias?
Leadership	Have you demonstrated the principles of ethical leadership when making your decision? Have you challenged anything that you feel is inappropriate?
Honesty	As leaders, has the recruitment panel remained truthful throughout the process?
Wisdom	Using your knowledge, experience and insight, have you made the best decision for the children and young people of the school?
Service	Are you confident that the leader appointed throughout the process will be conscientious and dutiful? Are you a strong role model of these qualities?



Ethical Dilemma Schools' Case Study 3.1: Safeguarding (Maintained Nursery School).

Paragraph 2 of [Keeping Children Safe in Education \(KCSiE\) 2022](#) says:

“Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means that they should consider, at all times, what is in the best interests of the child.”

In paragraph 4, KCSiE 2022 goes on to define safeguarding and promoting the welfare of children as:

- protecting children from maltreatment
- preventing the impairment of children’s mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care, and
- taking action to enable all children to have the best outcomes.

Imagine

You’re the headteacher of a maintained nursery school. In common with many early years’ providers, recruiting and retaining staff can be challenging. At the moment, this is exacerbated by a flu-like virus that seems to be going through your staff team.

One morning, a practitioner qualified to Level 3, is supervising about a dozen children in their class’s outdoor learning area. Two of these children manage to leave the site, undetected. They are returned by a member of the public who found them on the pavement by the road outside the nursery; they recognised the logo on the children’s polo shirts as that of the nursery.

The member of the public is concerned, even angry, that the children were unattended, and speculates about what might have happened to them. The children are not distressed and appear unharmed. The practitioner is mortified.

On reviewing CCTV, you see that the children left the site by crawling under the fence. You immediately have this rectified by the site manager.

As the children are unfazed, you decide not to tell their parents. Given her contrition, you decide not to pursue any disciplinary action against the practitioner involved.

A short time later, you receive a call from Ofsted saying that they are investigating a complaint under section 11a. The complainant alleges that children left the site without permission and questions the quality of the school’s leadership and management. The inspector asks for your account.



What will you say to the inspector?

Using the framework:

Selflessness	Are you certain you have acted in the best interests of the children?
Honesty	When called to account for your decisions, are there any aspects of any of your decisions which would cause you a problem?
Openness	Are you comfortable with your decisions?
Objectivity	Why did you decide to do what you did? Is there another way of looking at it?
Integrity	Who or what influenced the choices you made?
Accountability	Are you comfortable reporting your decisions to the inspector?
Leadership	Would governors support your decisions?
Trust	Can parents trust that the decisions you have made are in the best interests of children?
Wisdom	Will your decisions stand the test of time?
Kindness	Are your decisions thoughtful and do they serve the wider public interest?
Justice	Do your decisions work fairly for everyone?
Service	Do your decisions contribute to building a robust safeguarding culture within the school?
Courage	What do you do when pressures complicate decisions?
Optimism	Are you confident that your decisions provide assurance about our education system and contribute to public confidence?



Ethical Dilemma Schools' Case Study 3.2: Safeguarding (Primary Schools)

Paragraph 2 of [Keeping Children Safe in Education \(KCSiE\) 2022](#) says:

“Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means that they should consider, at all times, what is in the best interests of the child.”

In paragraph 4, KCSiE 2022 goes on to define safeguarding and promoting the welfare of children as:

- protecting children from maltreatment
- preventing the impairment of children’s mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care, and
- taking action to enable all children to have the best outcomes.

The role of the DSL (Designated Safeguarding Lead), as summarised in Annex C of KCSiE 2022, includes:

- promoting supportive engagement with parents and/or carers in safeguarding and
- promoting the welfare of children, including where families may be facing challenging circumstances.

Imagine

You have recently become the headteacher of a faith school. The previous head was known for being fierce and you are trying to establish your reputation with the parent body as being reasonable and approachable.

In line with your behaviour policy, you speak with a girl in Year 5 because another child’s fidget toy has been found in her bag. The girl’s family are from southern Europe. When you mention speaking with her parents, she suddenly becomes upset. She says that they will hit her, because that is what they do when they are naughty. She says that her mum hit her brother (who is in Year 7 in a neighbouring secondary school) with the cable of his mobile phone charger.

There have been no previous concerns about the girl. You invite her parents in for a chat at the end of the school day. They say that they do smack their children but deny using the cable of a mobile phone charger. You speak to them about the law regarding physical chastisement and make a note of this in the child’s CPOMS record.

Shortly after this, you receive an invitation to an Initial Child Protection Conference for the girl and her brother. Her brother’s school submitted a MARF when small whip like welts were seen on his back.



What will you say/include in your report to the conference?

Using the framework:

Selflessness	Are you certain you have acted in the best interests of the child?
Honesty	If called to account for your decisions, are there any aspects of any of your decisions which would cause you a problem?
Openness	Are you comfortable with your decisions?
Objectivity	Why did you decide to do what you did? Is there another way of looking at it?
Integrity	Who or what influenced the choices you made?
Accountability	Are you comfortable reporting your decisions to the IRO (Independent Reviewing Officer)?
Leadership	Would governors support your decisions?
Trust	Can parents trust that the decisions you have made are in the best interests of children?
Wisdom	Will your decisions stand the test of time?
Kindness	Are your decisions thoughtful and do they serve the wider public interest?
Justice	Do your decisions work fairly for everyone?
Service	Do your decisions contribute to building a robust safeguarding culture within the school?
Courage	What do you do when pressures complicate decisions?
Optimism	Are you confident that your decisions provide assurance about our education system and contribute to public confidence?



Ethical Dilemma Schools' Case Study 3.3: Safeguarding (Secondary Schools).

Paragraph 2 of [Keeping Children Safe in Education \(KCSiE\) 2022](#) says:

“Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means that they should consider, at all times, what is in the best interests of the child.”

In paragraph 4, KCSiE 2022 goes on to define safeguarding and promoting the welfare of children as:

- protecting children from maltreatment
- preventing the impairment of children’s mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care, and
- taking action to enable all children to have the best outcomes.

Imagine

Your school has recently received a number of complaints. Some parents have taken their complaints to Ofsted, their local councillor and the local newspaper. You are concerned about the impact this may have on your numbers on roll. Staff morale is low and staff turnover high.

A group of Year 10 boys tell their Head of Year that when they went into their history lesson their history teacher had her arm around the shoulder of one of their classmates. They say that when they entered the classroom, she quickly took her arm away and the student went to sit in his seat.

You speak with the history teacher who says that she gets on well with the student and that she was comforting him because he was upset. The student agrees.

You speak with the history teacher and give her some informal words of advice about how her behaviour might look. You do not speak to the LADO (Local Authority Designated Officer). With everything that is going on, you do not formally record this as a low-level concern. Nothing is recorded in the student’s safeguarding record.

When Ofsted visit, the Year 10 boys repeat their concern to one of the inspectors who asks their Head of Year about it. He says that he passed it on to you and the inspector comes to speak with you about it.



What will you say?

Using the framework:

Selflessness	When asked by the inspector about your decisions, are you certain you have acted in the best interests of the child?
Honesty	If called to account for your decisions, are there any aspects of any of your decisions which would cause you a problem?
Openness	Are you comfortable with your decisions?
Objectivity	Why did you decide to do what you did? Is there another way of looking at it?
Integrity	Who or what influenced the choices you made?
Accountability	Are you comfortable reporting your decisions to your governing board?
Leadership	Would governors support your decisions?
Trust	Can parents trust that the decisions you have made are in the best interests of the school's children?
Wisdom	Will your decisions stand the test of time?
Kindness	Are your decisions thoughtful and do they serve the wider public interest?
Justice	Do your decisions work fairly for everyone?
Service	Do your decisions contribute to building a robust safeguarding culture within the school?
Courage	What do you do when pressures complicate decisions?
Optimism	Are you confident that your decisions provide assurance about our education system and contribute to public confidence?



Ethical Dilemma Schools' Case Study 3.4: Safeguarding (Special Schools).

Paragraph 2 of [Keeping Children Safe in Education \(KCSiE\) 2022](#) says:

“Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means that they should consider, at all times, what is in the best interests of the child.”

In paragraph 4, KCSiE 2022 goes on to define safeguarding and promoting the welfare of children as:

- protecting children from maltreatment
- preventing the impairment of children’s mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care, and
- taking action to enable all children to have the best outcomes.

The role of the DSL (Designated Safeguarding Lead), as summarised in Annex C of KCSiE 2022, includes:

- promoting supportive engagement with parents and/or carers in safeguarding and
- promoting the welfare of children, including where families may be facing challenging circumstances.

Imagine

Your school is outstanding, with an exceptional reputation with the local authority. You pride yourself on never needing to suspend or permanently exclude children. Many of your staff have been at the school for a long time.

A non-verbal pupil, who is tall for their age and heavyset, has recently been displaying some concerning behaviours. These include upturning furniture and physically lashing out. Following a recent incident, a member of staff sought medical treatment and was found to have a sprained wrist. Another incident report says that the child had scratches to their face, but staff are not clear about how these occurred. You and the staff are aware that the child has experienced previous trauma.

One morning, there is another incident. The rest of the class are evacuated from the classroom for their own safety. Having upturned the furniture, the child is alone in the classroom with staff observing them through the viewing panel in the door. You ring his mother and ask her to collect him. She arrives at the school before lunchtime and is concerned that he is in the classroom on his own. She takes him home. In the afternoon, you reflect on the situation and decide to place the pupil on a reduced timetable until his Child in Need meeting, which is next week. You email his mum to let her know. During the Child in Need meeting, his mum complains that she wasn’t consulted about the reduced timetable. The child’s social worker also questions whether asking his mother to collect him amounts to an unlawful exclusion.



What will you say?

Using the framework:

Selflessness	Are you certain you have acted in the best interests of the child?
Honesty	If called to account for your decisions, are there any aspects of any of your decisions which would cause you a problem?
Openness	Are you comfortable with your decisions?
Objectivity	Why did you decide to do what you did? Is there another way of looking at it?
Integrity	Who or what influenced the choices you made?
Accountability	Are you comfortable reporting your decisions to your governing board?
Leadership	Would governors support your decisions?
Trust	Can parents trust that the decisions you have made are in the best interests of the school's children?
Wisdom	Will your decisions stand the test of time?
Kindness	Are your decisions thoughtful and do they serve the wider public interest?
Justice	Do your decisions work fairly for everyone?
Service	Do your decisions contribute to building a robust safeguarding culture within the school?
Courage	What do you do when pressures complicate decisions?
Optimism	Are you confident that your decisions provide assurance about our education system and contribute to public confidence?



Ethical Dilemma Schools' Case Study 4: Using public funds.

Public funding of the state education system is a significant investment in the country's future. And with this investment comes the responsibility of school leaders to ensure the money is spent as parliament intends – on the education of children and young people. School leaders must ensure high standards of probity in the management of public funds.

This means that:

- Public money is spent for the purposes intended by Parliament ("regularity")
- The highest standards of public conduct are maintained, including transparency in financial decisions ("Propriety")
- All spending decisions are an economic, efficient and effective use of available resources ("value for money")
- Agreed budgets are respected and unaffordable longer term commitments are avoided ("affordability and sustainability")
- Proper financial records are kept.
- A tight fiscal environment, spending decisions are difficult and fraught with very real moral and ethical considerations.

Imagine

Your school is under financial pressure. You are struggling to set a balanced budget. Parts of your school need urgent repair – in some places, the ceilings have been exposed due to water damage over the summer holidays. Your brother-in-law runs a little local building firm and as a favour to you, will do the repairs quickly and at a good price. You decide to ask him to proceed.

One of your staff has unexpectedly left and outcomes for pupils in this phase are a worry. Your chair's daughter has just finished her initial teacher training and the Chair assures you she is very good and would be willing to work for the school as she wants to remain living in the area. This solves an immediate problem for you. You appoint the teacher as she is able to start at the beginning of term. This is in everyone's interests.

You tell your Chair you will not be able to set a balanced budget this year – you are doing as much as you can to make savings, but it is the right of children to have teachers leading classes and the challenging level of need/behaviour in the school means that you need a larger than average leadership team with five assistant heads, to keep a lid on behaviour. You feel it is your moral duty to refuse to set a balanced budget as this will be to the detriment of the children and young people in your school.



Are you right?

Using the framework:

Selflessness	If asked by a parent or member of the public about any of your decisions, are you certain you have acted in all cases in the public interest?
Honesty	If called to account for your decisions, are there any aspects of any of your decisions which would cause you a problem if you had to be absolutely truthful?
Openness	Are you comfortable with your decisions being reported openly? Objectivity Why did you decide to do what you do? Is there another way of looking at it?
Integrity	Who or what influences or influenced the choices you made? Accountability Are you comfortable reporting your decisions openly to your governing board?
Leadership	Would trustees and governors support your decisions?
Trust	Can parents trust that the decisions you have made are fair and balanced? Wisdom Will your decisions stand the test of time?
Kindness	Are your decisions thoughtful and do they serve the wider public interest?
Service	Justice Do your decisions work fairly for everyone?
Courage	Do your decisions contribute to building a strong and stable education system?
Optimism	What do you do when financial pressures complicate decisions? Are you confident that your decisions provide assurance about our education system and contribute to public confidence?



Ethical Dilemma Schools' Case Study 5.1: Inclusion (Early Years).

The [SEND code of practice 0-25years](#) (DfE and DoH 2015) is statutory guidance that sets out the principles to establish that all children and young people with SEND should have access to timely and personalised support to achieve their aspirations and outcomes. Children and their families should be central to the decision-making process linked to the graduated approach. Research shows that pupils with SEND are more likely to experience poor outcomes against a range of measures such as attainment, attendance and exclusions when compared to their peers without SEND. This can lead to an impact on long term outcomes.

Early and effective identification processes should ensure the delivery of timely and appropriate targeted support. When it has been identified that a pupil is making less than expected progress given their age and individual circumstances the first response should be high quality teaching targeted at their areas of weakness. However, some pupils will require additional or different support to their peers to reach developmental milestones and expected attainment targets. It is widely accepted that initial teacher education does not consistently prepare new teachers to be teachers of all children, including children with SEND, particularly in mainstream settings.

Financial challenges in schools may impact on leader's decision making regarding such aspects as CPD for staff development, recruitment of support staff and the commissioning of specialist support. Local SEN services are also facing challenges, partly due to the increase for requests for EHCP assessments, which has led to delays in the EHCP processes.

Imagine

At the beginning of the school year a new pupil joins nursery. Prior to joining the school the child has attended three different nursery settings. The child's parents meet with you as part of the transition process before they start and seem anxious as they tell you about their child's previous experiences. They report that during the child's time at the first two settings they were often asked to pick the child up from the nursery due to aggressive behaviours towards other children and towards staff. In their most recent setting, the child was only allowed to access morning sessions.

The child joins a class of 26 pupils in a two form entry school. In the class there are two children with EHCPs, one of these children has 1:1 support. There is an LSA, qualified at Level 3, who supports in the classroom every day. The class teacher is an ECT. The arrival of transitional information from the previous setting was delayed and focused on reports of the child's challenging behaviour and lack of engagement from the family rather than any evidence of the graduated approach to identifying need and provision that may have been in place. Assessments made on entry along with observations suggest that that new pupil has significant gaps in their learning, may have some communication needs and will require further assessment.

Over the first few weeks it becomes clear to the class teacher, support staff and SENCO that the child will require significant additional support to thrive in the school. The SENCO has put some interventions in place, such as additional phonics which is delivered when staff are available. It is not possible to redeploy any additional support staff to offer any further provision at this time. The child frequently disrupts learning during the day. This results in lost learning opportunities for the child and their peers. The child does not appear to be making progress in communication, language and literacy.

The SENCO feels that their workload is high and is not confident that external support can be accessed if the relevant paperwork was to be submitted. The parents are becoming increasingly dissatisfied with the situation. They contact the Head Teacher and SENCO almost daily to complain about the quality of teaching and



support their child is receiving. The parents report that the child has started to become increasingly distressed when getting ready for school each morning. The class teacher feels overwhelmed and has asked for additional support or for the child to be moved to a different class. The mentor has expressed concern about the impact of the child on the ECT's teaching and also the learning experience of the wider class.

How would you proceed?

Using the framework:

Selflessness	What role can you play in addressing the concerns of parents/ the class teacher/pupil in a constructive and supportive way?
Integrity	Have you ensured that your staff have the appropriate information, training and resources that they need to support children with SEND? How do you ensure that this is put in practice?
Objectivity	Is the school's SEND Information Report clear about how the school approaches and support for pupils with SEND including the reasonable adjustments that should be in place?
Accountability	Do you understand the school's duties as outlined in chapter 6 of the SEND code of practice?
Openness	Have the school fully involved the parents in the decision-making process about support for their child linked to the graduated approach? Have you endeavoured to hear the child's voice?
Honesty	How can a strong case be made to the Local Authority about the need for additional resources to help the children reach their full potential within the setting?
Leadership	The SENCO has the responsibility for leading SEND. How does this role link strategically with all leadership roles?
Trust	Do you trust your SENCO to liaise, advise and coordinate SEND provision effectively and support staff to deliver high quality teaching and SEND intervention?
Wisdom	How do you support and motivate your staff to maintain focus on securing a good outcome for the child and other children in the class?
Kindness	How can you ensure that the parents, staff and children feel heard and understood in this situation?
Justice	How are the needs of all children, staff and the parents addressed to ensure better experiences and improved outcomes moving forward?
Service	What steps do you need to take to ensure that children with SEND thrive at your school?
Courage	Are you prepared to take the lead on discussions with the parents and staff if needed including when these conversations may require supportive challenge?
Optimism	Does the school have a strong understanding of what good SEND provision looks like?



Ethical Dilemma Schools' Case Study 5.2: Inclusion (Primary).

The [SEND code of practice 0-25years](#) (DfE and DoH 2015) is statutory guidance that sets out the principles to establish that all children and young people with SEND should have access to timely and personalised support to achieve their aspirations and outcomes. Children, young people and their families should be central to the decision making process linked to the graduated approach. Research shows that pupils with SEND are more likely to experience poor outcomes against a range of measures such as attainment, attendance and exclusions when compared to their peers without SEND. This can lead to an impact on long term outcomes.

Early and effective identification processes should ensure the delivery of timely and appropriate targeted support. When it has been identified that a pupil is making less than expected progress given their age and individual circumstances the first response should be high quality teaching targeted at their areas of weakness. However, some pupils will require additional or different support to their peers to reach developmental milestones and expected attainment targets.

It is widely accepted that initial teacher education does not consistently prepare new teachers to be teachers of all children and young people including children with SEND, particularly in mainstream settings. Financial challenges faced by schools may impact on leader's decision making regarding such areas as CPD for staff development, recruitment of support staff and the commissioning of specialist support. Local SEN services are also facing challenges, partly due to the increase for requests for EHCP assessments, which has led to delays in the EHCP processes.

Imagine

Midway through the school year a new pupil joins the school in Year 4. This is the third school since their reception year. The child's parents meet with you as part of the transition process before they start and seem anxious as they tell you about their child's previous experiences. They report that previously the child has been sent to work alone in the corridor and they were bullied by other pupils. In their most recent school, they had limited access to a broad and balanced curriculum including being placed on a part time timetable.

The child joins a class of 30 pupils in a three form entry school. In the class there are two children with EHCPs, one of these children has 1:1 support. There is an LSA who supports in the classroom every morning. The class teacher is an ECT. The arrival of transitional information from the previous setting was delayed and focused on poor attendance and lack of engagement from the child and family rather than identified need and provision that had been in place. Baseline assessments suggest that that new pupil has significant gaps in their learning and may have some communication needs and a specific learning difficulty and will require further assessment.

Over the first few weeks it becomes clear to the class teacher, support staff and SENCO that the child will require significant additional support to thrive in the school. The SENCO has put some interventions in place, such as a literacy group during the afternoon sessions when wider curriculum subjects are taught. It is not possible to redeploy any additional support staff to offer any further provision at this time. The child frequently disrupts learning during the day.

This results in sanctions in line with the school behaviour policy. The child does not appear to be making progress in English and maths. The SENCO feels that their workload is high and is not confident that external support can be accessed. The parents are becoming increasingly dissatisfied with the situation. They contact the Head Teacher and SENCO almost daily to complain about the quality of teaching and



support their child is receiving. The child has started refusing to attend school and becomes distressed at the start of the school day.

The class teacher feels overwhelmed and has asked for additional support or for the child to be moved to a different class. The mentor has expressed concern about the impact of the new pupil on the ECT's teaching and the learning experience of the wider class.

How would you proceed?

Using the framework:

Selflessness	What role can you play in addressing the concerns of parents/ the class teacher/ in a constructive and supportive way?
Integrity	Have you ensured that your staff have the appropriate information, training and resources that they need to support children with SEND? How do you ensure that this is put in practice?
Objectivity	Is the school's SEND Information Report clear about how the school approaches and support for pupils with SEND including the reasonable adjustments that should be in place?
Accountability	Do you understand the school's duties as outlined in chapter 6 of the SEND code of practice?
Openness	Have the school fully involved the parents and child in the decision making process about support linked to the graduated approach?
Honesty	How can a strong case be made to the Local Authority about the need for additional resources to help the children and young people reach their full potential within the setting?
Leadership	The SENCO has the responsibility for leading SEND. How does this role link strategically with all leadership roles?
Trust	Do you trust your SENCO to liaise, advise and coordinate SEND provision effectively and support staff to deliver high quality teaching and SEND intervention?
Wisdom	How do you support and motivate your staff to maintain focus on securing a good outcome for the child and other children in the class?
Kindness	How can you ensure that the parents, staff and children feel heard and understood in this situation?
Justice	How are the needs of all children, staff and the parents addressed to ensure better experiences and improved outcomes moving forward?
Service	What steps do you need to take to ensure that children with SEND thrive at your school?
Courage	Are you prepared to take the lead on discussions with the parents and staff if needed including when these conversations may require supportive challenge?
Optimism	Does the school have a strong understanding of what good SEND provision looks like?



Ethical Dilemma Schools' Case Study 5.3: Inclusion (Secondary).

The [SEND code of practice 0-25years](#) (DfE and DoH 2015) is statutory guidance that sets out the principles to establish that all children and young people with SEND should have access to timely and personalised support to achieve their aspirations and outcomes. Children, young people and their families should be central to the decision-making process linked to the graduated approach. Research shows that pupils with SEND are more likely to experience poor outcomes against a range of measures such as attainment, attendance and exclusions when compared to their peers without SEND. This can lead to an impact on long term outcomes.

Early and effective identification processes should ensure the delivery of timely and appropriate targeted support. When it has been identified that a pupil is making less than expected progress given their age and individual circumstances the first response should be high quality teaching targeted at their areas of weakness. However, some pupils will require additional or different support to their peers to reach developmental milestones and expected attainment targets.

It is widely accepted that initial teacher education does not consistently prepare new teachers to be teachers of all children and young people including children with SEND, particularly in mainstream settings. Financial challenges faced by schools may impact on leader's decision making regarding such areas as CPD for staff development, recruitment of support staff and the commissioning of specialist support. Local SEN services are also facing challenges, partly due to the increase for requests for EHCP assessments, which has led to delays in the EHCP processes.

Imagine

Midway through the school year a new pupil joins the school in Year 9. This is the third school that they have attended in as many years. The child's parents meet with you as part of the transition process before they start and seem anxious as they tell you about their child's previous experiences. They report that in previous settings the child was sent to work alone in the corridor and they were bullied by other pupils. In their most recent placement, they had limited access to a broad and balanced curriculum including being placed on a part time timetable.

The child joins a class of 30 pupils in an 8-form entry school. In the class there is 1 child with EHCP, this child has 1:1 support.

The form teacher is an ECT. The arrival of transitional information from the previous setting was delayed and focused on poor attendance and lack of engagement from the child and family rather than identified need and provision that had been in place. Baseline assessments suggest that that new pupil has significant gaps in their learning, may have some communication needs and possibly a specific learning difficulty and will require further assessment.

Over the first few weeks it becomes clear to the teaching, support staff and SENCO that the child will require significant additional support to thrive at this new setting. The SENCO has put some interventions in place, such as a literacy group during form time, but is unable to redeploy any support staff to offer any further provision at this time. The child frequently disrupts learning time across a range of curriculum areas. This results in sanctions in line with the school behaviour policy. The child does not appear to be making progress.

The SENCO feels that their workload is high and is not confident that the external support can be accessed if relevant paperwork was completed. The parents are becoming increasingly dissatisfied with



the situation. They contact the Head Teacher and form teacher almost daily to complain about the quality of teaching and support their child is receiving.

The child has started refusing to attend school and becomes distressed at the start of the school day. The form teacher feels overwhelmed and has asked for additional support and a team around the child meeting with the SENCO, subject teachers and the parents. The SENCO has expressed concern about the impact of the new pupil on the teaching and the learning experience of classes across the curriculum.

How would you proceed?

Using the framework:

Selflessness	What role can you play in addressing the concerns of parents/ teachers/pupil in a constructive and supportive way?
Integrity	Have you ensured that your staff have the appropriate information, training and resources that they need to support children with SEND? How do you ensure that this is put in practice?
Objectivity	Is the school's SEND Information Report clear about how the school approaches and support for pupils with SEND including the reasonable adjustments that should be in place?
Accountability	Do you understand the school's duties as outlined in chapter 6 of the SEND code of practice?
Openness	Have the school fully involved the parents and child in the decision-making process about support linked to the graduated approach?
Honesty	How can a strong case be made to the Local Authority about the need for additional resources to help the children and young people reach their full potential within the setting?
Leadership	The SENCO has the responsibility for leading SEND. How does this role link strategically with all leadership roles?
Trust	Do you trust your SENCO to liaise, advise and coordinate SEND provision effectively and support staff to deliver high quality teaching and SEND intervention?
Wisdom	How do you support and motivate your staff to maintain focus on securing a good outcome for the child and other children in the class?
Kindness	How can you ensure that the parents, staff and children feel heard and understood in this situation?
Justice	How are the needs of all children, staff and the parents addressed to ensure better experiences and improved outcomes moving forward?
Service	What steps do you need to take to ensure that children with SEND thrive at your school?
Courage	Are you prepared to take the lead on difficult discussions with the parents and staff if needed?
Optimism	Does the school have a strong understanding of what good SEND provision looks like?



Ethical Leadership School's Case Study 6: Unconscious Bias.

Racism in any form is damaging to society in general and particularly to those groups in society against whom it is directed. Schools have a vital role in the prevention of racism in society generally. Racist bullying is a particularly direct and often violent form of racism which can occur in any school regardless of the numbers of pupils from different ethnic groups within the school. As schools will be aware, avoiding discrimination and promoting equality supports attainment and progression for all pupils.

Unconscious bias is about patterns of behaviour that affect our everyday decision making and which are influenced by shared background, culture and personal experience. This implicit bias can influence how teachers and other educators interact with students from sanctions and rewards given, grading and setting to how they adjust body language and tone of voice.

Schools have a duty to:

- tackle racist incidents, including incidents involving members of the school community that occur beyond the confines of the school.
- promote race equality and good race relations.
- understand their legal responsibilities in this area.
- understand about the impact of racist bullying on individuals and the wider school community.
- review key aspects of policy and practice in relation to tackling incidents.
- recognise racist incidents and responding appropriately.
- develop procedures for recording, reporting and monitoring racist incidents.
- develop effective strategies towards their prevention as part of overall behaviour, equality and safeguarding policies

SIL Race Equality Guidance, April 2022

Imagine

As a headteacher, you pride yourself on having created an inclusive teaching and learning environment. Newly arrived pupils for whom English is an Additional Language are well supported and settle well. Pupils who have arrived through the asylum process are fully integrated and feel included. Feedback from most parents is positive.

Your behaviour policy is one of zero tolerance particularly in terms of physical outbursts and parents have signed up to that. You believe that this is pivotal to the environment you have created.

Your inclusion policy emphasises:

- A fundamental right to education for all pupils
- Students wellbeing, dignity, autonomy and contribution to society
- A continuing process to eliminate barriers

A member of staff approaches you to share concerns about a colleague. They believe that this colleague has a negative viewpoint of pupils from an Irish Traveller background. The teacher causing concern has not said anything racist or untoward about the pupils and has completed lots of much celebrated inclusive work about Black History Month and Refugee Week. However, the concern is more about how they interact with the Traveller pupil particularly around behaviour which rarely results in restorative



justice and usually results in withdrawal and threats of exclusion. The concerned colleague believes that more needs to be done to understand and celebrate GRT culture.

After a recent episode of poor behaviour, conversations with the family are moving towards withdrawal from school. Home education is also featuring as part of the discussion. The pupil is unable to articulate what had led to his outburst.

Based on the child's attendance and conversations with the class teacher as well as the school behaviour policy, you are moving towards supporting withdrawal from school; temporary and permanent options are on the table. The concerned colleague's comments will be dealt with later, while the immediate situation is prioritised and addressed.

Is this the right thing to do?

Using the framework:

Selflessness	Is your behaviour policy to the benefit of all children particularly those from marginalized groups?
Integrity	Do discussions about exclusion, alternative schools/settings and home education in this scenario demonstrate integrity based on the knowledge you have, particularly that of poor parental literacy skills ?
Objectivity	Is there a robust and ongoing CPD offer for staff to discuss equality, extend and challenge practice?
Openness	Are you receptive to challenge?
Honesty	Do all parents understand the behaviour policy based on levels of literacy, English and knowledge of schooling?
Trust	Can pupils trust you to serve their best interests? Can staff trust you to act on their concerns?
Leadership	Are the policies which you employ mutually supportive? How can you address concerns about unconscious bias and the impact on particular cohorts of pupils?
Wisdom	Will you recognise the unique needs of your pupil?
Kindness	What role do kindness, humanity and generosity of spirit play in your approach?
Justice	How is your approach eliminating barriers for the harder to reach communities?
Service	How is your approach enabling all young people to become active and positive citizens?
Courage	Are you courageous in your approach to address concerns appropriately and acknowledge gaps in your knowledge base?
Optimism	How does your policy help all young people to grow into good citizens beyond school? How does policy and CPD opportunities ensure we have educators who champion equality?



Ethical Dilemma Schools' Case study 7: Leadership pay.

Headteacher salary is a significant expenditure for any school. Headteacher pay and conditions sets out how much head teachers should be paid according to the appropriate group size of the school. Headteachers being paid outside that scale is a growing concern in schools. SIL's Schools' Pay Policy 2022-23, states:

The set pay range should only need to be reviewed when there have been significant changes to responsibilities. Any '*significant change*' to responsibilities must be considered by the full governing body before agreement is reached to increase the pay range for the head teacher.

Pay ranges for headteachers should not normally exceed the maximum of the headteacher group. However, the headteacher's pay range may exceed the maximum where the governing body determines that circumstances specific to the role or candidate warrant a higher than normal payment. The governing body must ensure that the maximum of the headteacher's pay range and any additional payments made does not exceed the maximum of the headteacher group by more than 25% other than in exceptional circumstances; in such circumstances, the governing body must seek external independent advice before providing such agreement and support its decision with a business case. (STPCD para 9.3).

At times, governors feel it is appropriate to continue to reward heads for retention purposes. Often, when the salary of a Headteacher is increased above the allocated pay scale, they also reward the staff on the leadership team with a commensurate increase in pay. (Schools' Pay Policy 2022-23, SIL)

It is clear that Governors want the Headteacher to feel valued – however, in offering the increase, they are not following the clear criteria set out in Teachers Pay & Conditions. This guidance is set to ensure a standard pay progression model and to maintain equity across the salary range for headteachers in the same sized school. Recruitment of Headteachers remains a challenge across education. Many Headteachers who are paid outside of the group size are choosing to remain in a smaller school than progress to a school with a larger group size. Similarly, some senior leaders are choosing not to progress to Headship.

Imagine

You are a new Chair of Governors to a school and you have your first Headteacher Appraisal. As a diligent Chair, you have read the School Teacher's Pay and Conditions document and know that as a Group 2 school, the highest point is L21 on the leadership scale. You discover that the Headteacher has been paid 15% above the maximum threshold for a number of years, with no clear rationale for this to have happened. When you question why this has happened, you are told that governors thought this was common practice and they feared losing the head to a bigger school.

You believe there will be backlash from the headteacher and long-standing governors if you challenge this and don't feel confident to do so at this point. However, at the meeting, the headteacher requests an additional 5% increase because they work extremely hard during COVID and the school has recently had a positive Ofsted inspection. Despite your misgivings, you are part of the decision to award the additional 5%.



Is this the right decision?

Using the framework:

Selflessness	Taking your role into account, have you acted solely in the interests of the children?
Honesty	If called to account for your decisions, are there any aspects of any of your decisions which would cause you a problem if you had to be absolutely truthful?
Openness	Are you comfortable with your decisions being reported openly?
Objectivity	Why did you decide to do what you do? Is there another way of looking at it?
Integrity	Who or what influenced the choices you made? Accountability Are you comfortable reporting your decisions openly to your governing board?
Leadership	Would trustees and governors support your decisions?
Trust	Can parents and other staff members trust that the decisions you have made are equitable for all and in line with statutory teachers' pay and conditions. fair and balanced?
Kindness	Are your decisions thoughtful and do they serve the wider public interest?
Justice	Do your decisions work fairly for everyone?
Service	Who is your first responsibility to?
Courage	Did you show professional courage or avoided making decisions that were difficult to navigate?
Optimism	Are you confident that your decisions provide assurance about our education system and contribute to public confidence?



Further Reading and Resources:

National Governance Association

[Framework for Ethical Leadership in Education – PDF](#)

[NGA Ethical Leadership overview](#)

[NGA Pathfinder Project Report: Paving the way for Ethical Leadership in Education](#)

[Podcast: Ethical Leadership and how it works](#) – Nina Sharma (NGA) & Carolyn Roberts (Former Chair of the Ethical Leadership Commission) + guests

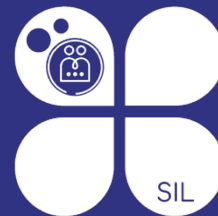
[Navigating the moral maze](#): The final report of the Ethical Leadership Commission, June 2019

Chartered College of Teaching

[Blog](#): A year on, the Framework for Ethical Leadership in education, February 2020



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