

# Code of Conduct

**History of document: To be reviewed annually and re-approved every three years, or sooner if deemed necessary.**

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<b>Yorkshire Causeway Schools Trust engages North Yorkshire County Council HR Service as its HR Provider and adopts fully this North Yorkshire Education Services Policy.</b>		
<b>Policy produced for Academies under the HR service provision of North Yorkshire County Council.</b>		

## 1. Introduction

- 1.1 This Code of Conduct is designed to give clear guidance on the standards of behaviour of all Trust staff and as such:
- Makes a clear statement about the standards of conduct expected of employees of, and those working with, the Trust.
  - Ensures all employees and associated persons understand their obligations with regard to safeguarding and promoting the welfare of pupils.
  - Ensures the highest standards of conduct by identifying the Trust's standards which sit alongside professional codes and guidelines.
  - Helps all employees to act in a way which upholds the Trust's standards and, at the same time, protects them from criticism, misunderstanding or complaint.
  - Helps build trust between the Trust and the people who come into contact with those working for it.
- 1.2 All individuals working in the Trust are expected to comply with the law as it applies to their work in schools, particularly in matters such as health and safety, safeguarding of children and data protection. They are also expected to carry out their duties in accordance with the relevant policies, procedures, rules and guidance adopted by the Trust Board or Local Governing Body.
- 1.3 In addition to this Code of Conduct, all employees engaged to work under teachers' terms and conditions of employment have an obligation to adhere to the Teachers' Standards (England) and in relation to this policy, Part 2 of the Teachers' Standards – Personal and Professional Conduct.

## 2. Scope

- 2.1 This Code of Conduct applies to:
- **Employees** - all employees of the Trust, including apprentices and temporary and casual staff.
  - **Associated persons** - individuals providing services for the Trust but who are not employed, e.g. contractors and their sub-contractors, supply and agency staff, students, volunteers, secondees from other establishments and self-employed consultants.
- 2.2 This Code does not apply to Governors/Trustees when they are fulfilling their statutory role, including as a link governor and when attending meetings with senior staff and/or the Governing Body and/or the Trust Board. However, should a Governor/Trustee take a volunteer role within the Trust and its schools, then they should be considered to be an associated person under this policy whilst undertaking that role.
- 2.2 Disregarding this Code will, in certain circumstances, result in disciplinary action being taken in the case of employees. For associated persons failure to follow the code may result in the cessation of contractual arrangements.

- 2.3 All employees will be supplied with a copy of this Code, against which their conduct will be measured. Associated persons will also be issued with a copy of this Code and will be expected to comply with it whilst engaged to work with the Trust.
- 2.4 Some provisions contained within this Code will continue after employment or the contractual relationship has ended e.g. the requirement to maintain confidentiality. Where this is the case, it will be highlighted within the relevant section of the code.
- 2.5 For ease of reading, and from this point onwards, the term 'employee' will be used for both directly employed staff and associated persons working within the Trust. Should the arrangements for each group differ then this will be highlighted accordingly. All references to Headteacher and Chair of Governors are to be taken as referring to Chief Executive Officer and Chair of Trustees in respect of Trust central services staff.

### **3. Standards and Attitude**

- 3.1 All employees of the Trust are expected to give the highest possible standard of service to pupils, parents and carers, fellow employees, Governors, Trustees and members of the public. The following principles exemplify the standards that are required:

#### ***Safeguarding and promoting the welfare of children***

- 3.2 Safeguarding is at the heart of the work of the Trust and all employees must undertake their work in support of the Trust's duties for safeguarding children and young people. Further information is given in Section 4.

#### ***Honesty and integrity***

- 3.3 All employees must perform their duties with integrity and be open and honest in their dealings and communications with others. They should strive to deliver on the commitments they have made and observe high ethical standards. Employees must not disclose information given to them in confidence or share confidential information where it is inappropriate or unlawful to do so. They must not allow their own personal or political opinions to interfere with their work and must at all times perform their duties in an objective manner. For further information regarding confidentiality please see Section 6.

#### ***Responsibility***

- 3.4 All employees must take responsibility for their own actions and be accountable for these. They should use any Trust funds or resources entrusted to, or handled by, them in a responsible and lawful manner. In addition, they should not make personal use of resources, property or facilities of the Trust unless properly authorised to do so. Employees must not put themselves in a situation where there is a conflict between their personal and professional interests. Please see Sections 7 and 8 for further information regarding relationships, conflict of interest and outside commitments.

## ***Respect for others***

- 3.5 The Trust believes that every employee has the right to work in a safe environment without the fear of discrimination, harassment or abuse. All employees must treat others with dignity and respect and should value the contribution that others can make. They should not discriminate unlawfully or inappropriately against any person and must always act in a professional and courteous manner. Employees should strive to maintain positive relations with all parties and must not act in a way which could be perceived as bullying.
- 3.6 Employees should recognise and respect the work demands of, and contributions made by, others within the workplace. This respect can be demonstrated by completing tasks to agreed deadlines, attending calendared meetings promptly and communicating effectively with others. Employees are expected to take direction and leadership from senior staff within the Trust.
- 3.7 The Trust aims to ensure that everyone who comes into contact with it is treated in line with the provisions of the Equality Act 2010, and not in any way disadvantaged by factors which could prevent the implementation of fair policies and operations.
- 3.8 The Trust takes a zero tolerance approach to aggressive and violent behaviour towards its staff and, in serious cases, Headteachers may ban an individual or individuals from Trust sites.

## **4. Safeguarding and Promoting the Welfare of Children**

- 4.1 Safeguarding and promoting the welfare of children is defined as:
- Protecting children from maltreatment
  - Preventing impairment of children's health and 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
- 4.2 Everyone who comes into contact with pupils and their families has a role to play in safeguarding children. The role played by Trust employees is particularly important as they are in a position to identify concerns early and potentially prevent concerns from escalating.
- 4.3 All employees have a responsibility to provide a safe environment in which children can learn. In addition, employees have a responsibility to identify children who may be in need of extra help or who are suffering, or are likely to suffer, significant harm. All employees then have a responsibility to take appropriate action, working with other services as needed.
- 4.4 All employees within the Trust are required to remain vigilant around pupils, be mindful of the indicators of possible abuse or neglect and act on issues of concern immediately should they arise. Such issues should be reported to the Designated Safeguarding Lead or the deputy DSL in their absence.

- 4.5 The Trust has a School Child Protection Policy which all employees must read and act in accordance with at all times. Relevant induction and refresher training on safeguarding and the Safeguarding Policy will be made available to all staff within the Trust. Failure to attend this training without good reason will be considered a serious issue which may result in further action being taken. Associated persons may fulfil their safeguarding training requirements through alternative provision e.g. through their own employer, however, they must be able to provide evidence of such training to the Trust.
- 4.6 All staff must also read the document 'Guidance for safer working practice for those working with children and young people in education settings' produced by the Safer Recruitment Consortium. See Appendix 1.
- 4.7 Employees of the Trust must maintain an attitude of 'it could happen here' where safeguarding is concerned. Should they have any concerns regarding the welfare of a pupil, employees should always follow the Trust's procedures and act in the interests of the child.
- 4.8 When allegations are made against a member of staff regarding a safeguarding issue, then the formal policy for dealing with allegations will be invoked, in line with Safeguarding Board guidance. For associated persons an appropriate process will be followed, involving that person's employer, if relevant. In all cases the Trust will make referrals to the DBS in line with its statutory obligations.
- 4.9 Failure to report issues of concern and/or failure to act in the best interests of a child will be considered as a serious issue which may, if proven, constitute gross misconduct. For associated persons an alternative process will be followed which may result in cessation of their contractual arrangements.

## **5. Behaviour Management and Restrictive Physical Intervention**

- 5.1 Staff must ensure they fully understand the Trust's policies on behaviour management, pupil discipline and restrictive physical intervention guidance and training and follow these at all times, using strategies appropriate to the circumstances and situation. Staff should not use any form of degrading or humiliating treatment to punish a pupil.
- 5.2 There are occasions when it is entirely appropriate and proper for staff to have physical contact with children; however, it is crucial that staff only do so in ways appropriate to their professional role and in relation to the pupil's individual needs and any agreed care plan.
- 5.3 Any physical contact should be in response to the child's needs at that time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. Employees should, therefore, use their professional judgement at all times.

## **6. Confidentiality, Disclosure and Security of Information**

- 6.1 The Trust recognises the importance of an open, transparent culture with clear communication and accountability. It is the Trust's aim to be as open as possible about its activities. The law requires that certain types of information must be available to auditors, inspectors, the Police, children's services, government departments, parents and the public. If an employee is in any doubt as to whether they can release any particular information, they should always check with their Headteacher first.
- 6.2 The confidentiality of information received in the course of an employee's, duties should be respected and must never be used for personal or political gain or to cause damage to the interests and reputation of the Trust, its employees and its pupils. Employees must not knowingly pass information on to others who might use it in such a way. If they believe that information should be disclosed in the public interest, they should follow the Trust's Whistleblowing Policy before doing so. Failure to do so may result in disciplinary action being taken or the cessation of contractual arrangements.
- 6.3 Employees must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, information which is stored on computer or manual systems must only be disclosed in accordance with the requirements of the Data Protection Act 2018.
- 6.4 When an employee leaves the employment of the Trust, or an associated person ceases to work with the Trust, then the requirement to maintain confidentiality regarding the information gained during their employment/association will continue. In addition, on ending their employment/association with the Trust, individuals must ensure all confidential documentation and records are returned and copies are not retained.
- 6.5 Employees must ensure that confidential information is stored securely, whether it be in documents and files, or held electronically and whether this information is held on Trust premises or taken off site.
- 6.6 Further information is available in the Trust's Data Protection Policy, which employees must ensure that they understand and follow at all times.

## **7. Outside Commitments**

- 7.1 The Trust recognises that employees are entitled to their private lives. In general, the choices and actions of employees outside of their role are not the Trust's concern. However, in order to protect all parties and the Trust there are exceptions to this.

## **Conduct**

- 7.2 Whether in or outside the Trust environment, employees must not conduct themselves in any way which creates doubt as to their suitability for their post or which brings the Trust into disrepute. This includes conduct which would bring into question their suitability to work with children.

- 7.3 All adults working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is, therefore, expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.
- 7.4 There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in a school setting or indicate unsuitability to work with children or young people. Misuse of drugs or acts of violence would be examples of such behaviour.
- 7.5 Adults working with children and young people should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.
- 7.6 The behaviour or actions of an adult's partner or other family members may raise similar concerns. The Trust may take action if it believes that this behaviour may be a potential risk to pupils or if it impacts on the suitability of an employee to work at the Trust.

### ***Additional work***

- 7.7 Employees are able to take on work in addition to their existing contract of employment, providing it does not conflict with the performance of their duties in the role for which they are employed.
- 7.8 An employee who wishes to take on additional work must ensure that:
- a) the additional hours worked do not contravene the Working Time Regulations or otherwise give the Trust cause for concern about health and safety at work, and
  - b) the outside work does not place the employee in a position where their duties and private interests conflict, and
  - c) the outside work does not damage, or potentially damage, public confidence in the Trust's conduct or business.
- 7.9 All teaching staff, and support staff employed on spinal column point 23 and above, are required to obtain the consent of the Trust prior to accepting additional work. The Trust will not unreasonably refuse any requests and each will be considered on a case-by-case basis taking into account the particular circumstances. If the additional work involves pupils of the Trust, for example babysitting, then the employee must inform their Headteacher/Manager regardless of their salary grade. Such notifications should be made to help protect the employee and to ensure that relevant safeguarding information can be shared if appropriate (also see paragraph 12.20). See Appendix 2.



- 7.10 Associated persons are not required to obtain consent before accepting additional work. However, they should bring to the attention of the Headteacher, any other work or activities which they undertake which may constitute a conflict of interest with the work of the Trust.
- 7.11 Employees must not undertake private or personal work, paid or unpaid, of any description during working hours or on the Trust's premises or using Trust equipment unless they have been given specific permission by the Headteacher. Even if approval is granted, any fees received, e.g. lecture fees or examination board payments, would be passed over to the Trust, or unpaid leave must be taken.

### ***Intellectual Property and Copyright***

- 7.12 All intellectual property rights, (that is copyright, design rights and the right to patent inventions) relating to anything created or invented by staff in the course of his/her duties automatically belongs to the Trust, unless otherwise agreed; staff cannot exploit the rights to any such thing without the written permission of the Headteacher. Any income raised through the use or sale of these products belongs to the Trust.
- 7.13 The Headteacher may agree to the Trust collaborating with other schools to create or invent intellectual property to be shared with other schools.

### ***Personal interests***

- 7.14 Employees may have a variety of personal interests, which may, from time-to-time, impact on their role for the Trust. To protect the Trust and the employee from any accusations of wrong doing the Trust has in place a number of safeguards which demonstrate that these interests are not allowed to influence the way the Trust operates.
- 7.15 Whatever an employee's role within the organisation, they must declare to their Headteacher in writing any financial or non-financial interests which could bring about conflict with the Trust's interests. Employees must not make, or become involved with, any official or professional decision about matters in which they have a personal interest.

### ***Gifts and Hospitality***

- 7.16 A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence and ensure that the Trust operates in accordance with the highest standards of integrity, probity and openness.
- 7.17 Employees must not accept gifts, hospitality or any benefits in kind from a third party which might be seen to compromise their personal judgement or integrity or be seen as an inducement.

- 7.18 Casual gifts offered by contractors, organisations, firms, parents and carers or individuals such as calendars, diaries, pens, food, drink, flowers and other small gifts need not be declared provided their value does not exceed £50. If in doubt reference should be made to the Trust's Finance Policy and/or Finance Team.
- 7.19 Small gifts from pupils to their class teacher are acceptable and can be retained by employees provided that they do not exceed the £50 limit. This can include gift vouchers. The £50 limit may be exceeded when it is clear that the gift is from a group collection. If in doubt the matter should be referred to the Headteacher and/or Finance Team.
- 7.20 Hospitality is sometimes offered to representatives of the Trust in an official or formal capacity. Hospitality can take many forms and could include attending exhibitions, seminars, sporting events, shows or concerts. Training events with very low training content and free catering, drink or transport may also be hospitality.
- 7.21 The following are examples of gifts or hospitality which should be refused by staff:
- gifts of money
  - free membership or subscriptions
  - free goods, services or equipment which are normally provided by a supplier to the Academy at a charge
  - any gifts/hospitality which exceed £50
- 7.22 These gifts and hospitality should be tactfully and courteously refused. If a gift is simply delivered to the Trust and cannot be returned, or cannot reasonably be refused without causing offence, then this gift must be declared to the Headteacher and recorded in the Register of Gifts and Hospitality. These items should not be retained by the individual and, where suitable, these items should be used for Trust purposes e.g. fundraising, raffles, etc.

### ***Sponsorship***

- 7.23 Where an outside organisation wishes to sponsor a Trust activity or project, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts and hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 7.24 Where the Trust wishes to sponsor an event or services, neither an employee nor their partner, spouse or relative must benefit from such sponsorship in a direct way with there being full disclosure to the Headteacher of any such interest.

### ***Cautions, Charges, Convictions and Court Orders***

- 7.25 An employee must notify the Headteacher if charged with, or convicted of, any criminal offence, or accepts a formal police caution, and should do so as soon as possible after the charge, caution or conviction. If the Headteacher is the subject of the charge they must inform the Local Chair of Governors. Consideration should also be given to notifying the Trust when appropriate and relevant to the staff member's role.
- 7.26 The Trust acknowledges that a caution is not a criminal conviction, but employees must be aware that cautions have to be declared during Disclosure and Barring checks unless they meet the filtering rules of the Disclosure and Barring Service.
- 7.27 The Trust acknowledges that an employee charged with an offence is innocent until proven guilty. However, special considerations will apply if the offence is one of those which is on the list of offences relevant to safeguarding (a full list is available on the Disclosure and Barring Service's website) or if an employee is imprisoned on remand pending trial.
- 7.28 Information given to the Trust will be treated as confidential and stored securely in the same way as other confidential personal information, having regard to the guidance from the Disclosure and Barring Service on the length of time for which particular kinds of information should be stored.
- 7.29 Employees must also notify the Headteacher if they are subject to a court order or any other conditions which may affect their suitability to work with children or any circumstances which could lead to disqualification under the Childcare Act 2006 if they are employed in relevant childcare.

### **8. Relationships and Conflicts of Interest**

- 8.1 It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. Employees, governors, directors and trustees involved in making appointments should do everything possible to ensure that these are made on the basis of merit and in accordance with the Trust's policy on recruitment and selection and the prevailing regulations on safer recruitment.
- 8.2 In order to avoid any possible accusations of bias, employees, governors and trustees must not become involved in any appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, if they are a relative of an applicant or have a close personal relationship with him or her, nor where they have the opportunity to benefit, directly or indirectly, from an appointment without the express prior approval of the Headteacher, or Board Chair/Chair of Governors in the case of Headteachers.

- 8.3 In this section 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, stepson, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the preceding persons.
- 8.4 'Partner' means a couple who live together or who are involved in a romantic relationship.
- 8.5 'Close personal relationship' would include a person not employed by the Trust with whom an employee has a close business connection.
- 8.6 Personal relationships between colleagues who work together can give rise to conflicts of interest. Therefore, employees who have entered into a close personal or romantic relationship with a colleague are required to disclose this fact to their Headteacher. Any information declared or disclosed should be recorded on both employees' personal files and treated in strict confidence.
- 8.7 This information should only be considered to ensure that the existence of the relationship does not impact on the smooth running of the Trust.
- 8.8 All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to the Headteacher (or Chair of Governors in the case of the Headteacher) at the earliest opportunity.

## **9. Financial and Tendering Procedures**

- 9.1 Employees should exercise fairness and impartiality when dealing with all customers, contractors and subcontractors. Tendering processes must always be carried out in line with the Trust's financial policies and procedures and the Academies Financial Handbook.
- 9.2 Employees responsible for engaging or supervising contractors and who have previously had, or currently have, a relationship in a private or domestic capacity with a particular contractor, must declare that relationship to the Headteacher (or Chair of Governors in the case of the Headteacher).
- 9.3 If employees become privy to confidential information on tenders or costs relating to external contractors they must not disclose that information to any unauthorised person or organisation.
- 9.4 All employees must ensure that special favour is not shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.
- 9.5 All employees involved in financial activities and transactions on behalf of the Trust, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders of works, goods or services must follow the financial regulations detailed in paragraph 9.1 above.

## **10. Dress and Appearance**

- 10.1 The Trust recognises that dress and appearance are matters of personal choice and self-expression. However, all employees must dress in a manner that is appropriate to a professional role and which promotes a professional image.
- 10.2 Employees should dress in a manner that is not offensive, revealing or sexually provocative and in a manner that is free from political or contentious slogans. They should dress safely and appropriately for the tasks they undertake and pay regard to any health and safety considerations. For safety reasons appropriate footwear should be worn.
- 10.3 Offensive tattoos and body art should be covered while employees are in school. Discreet earrings and body piercings are acceptable, however, those which could pose a health and safety risk whilst undertaking the tasks of the role should be removed while on Trust premises.
- 10.4 No caps or hats may be worn in school, except where necessary for hygiene reasons, on health and safety grounds, or have been permitted on religious or racial grounds. Head dress in line with beliefs and traditions of various religions and sects are allowed, with the exception of those that cover a substantial part of a person's face such that their identity cannot be confirmed. The reasons for this are:
- the Trust takes the view that in an institution where verbal communication and body language form an important and significant part of the work with children and young persons, it is not appropriate for any employee who comes into contact with pupils in teaching and learning situations to have a substantial part of their face covered; and
  - the Trust wishes to ensure that it remains vigilant about the safety and security of staff and pupils, and that no person employed by the Trust should have their faces covered and therefore conceal their identity.

## **11. Transporting pupils during and outside of normal working duties**

- 11.1 In certain circumstances employees may be required or offer to transport pupils in their own vehicle e.g. sporting events, visits to other schools, where a Trust vehicle is not available. As with any other activity undertaken at work this should not be undertaken without the knowledge and permission of the Headteacher. To help safeguard this action, it is also recommended that more than one staff member be present in such a scenario.
- 11.2 Employees should ensure that their vehicle meets all legal requirements, ensuring the vehicle is roadworthy and appropriately business insured and that the maximum carrying capacity is not exceeded.
- 11.3 Employees should never offer to transport pupils outside of their normal working duties, other than in an emergency or where not doing so would mean the child may be at risk. In these circumstances the matter should be recorded and reported both to the Headteacher and the child's parent(s) / carer.

## **12. Use of information systems**

### ***School systems***

- 12.1 The Trust wants employees to use information systems to the full and to feel competent and comfortable about doing so. However, it is essential that such systems are used appropriately. Any reference to information systems should be taken to mean computer equipment, associated technology and internet access.
- 12.2 The misuse of information systems is a serious matter and may result in employees being subject to disciplinary and, where appropriate, legal action.
- 12.3 Guidance documents are available within the Trust in relation to the use of computers and information technology. Employees must be familiar with, and abide by, the Trust's policies on the acceptable use of information systems.
- 12.4 Private use of Trust facilities, such as computers (including use of the internet), stationery and photocopiers is governed by these documents. Employees should not arrange to receive correspondence, telephone calls or emails in school related to outside work or private interests.
- 12.5 The Trust will monitor the use of information systems without notice. A record of any websites accessed by employees is recorded by the Trust's system and may be examined later if misuse is suspected.

### ***Personal devices***

- 12.6 The Trust accepts that employees will bring their own devices into the workplace and may use them for work purposes e.g. sending and receiving work e-mails on a mobile phone or tablet. When employees are using personal devices for work purposes, including accessing Wi-Fi whilst on Trust premises, then the standards contained in this code will apply to their use.
- 12.7 The personal use of mobile phones during working hours should be undertaken with discretion and be primarily restricted to dealing with emergencies, unless specifically work related. Employees should not make or receive personal calls or texts during work time where pupils are present. Mobile phones should be on silent at all times whilst in school and should not be left on display, with the exception of places determined by the Trust.
- 12.8 Employees are not permitted to use their personal devices for making voice or video recordings within school or taking photos of pupils. If there is a requirement in the individual's role to take photographs of children for Trust purposes, this should be carried out using Trust equipment which will be provided with the agreement of the Headteacher/senior manager and in line with the agreed Trust procedures and where appropriate permissions have been sought.

### ***Use of social networking sites***

- 12.9 Employees should ensure that they do not bring the Trust into disrepute or breach their obligations in relation to confidentiality and appropriate behaviour when using social media.
- 12.10 Employees should not access social networking/media sites during working hours. When accessing such sites outside working hours employees are advised not to write about their work or make reference to the Trust/employer on external web pages. Where an employee chooses to do so he/she should make it clear that the views expressed are their own and do not reflect the views of the Trust.
- 12.11 In addition, employees must not:
- Disclose any information that is confidential to the Trust to any third party or disclose personal data or information about any individual, colleague, pupil or parent/carer which could be in breach of data protection legislation
  - Disclose any information which is not yet in the public arena
  - Post illegal material, e.g. material which incites racial hatred
  - Link their own personal web pages to the Trust/School website
  - Include any information, sourced from the Trust, which breaches copyright
  - Make defamatory remarks about the Trust, colleagues, Governors, Trustees, pupils and parents/carers
  - Publish any material or comment that could undermine public confidence in the individual as a representative of the Trust or in their position of trust within the community
  - Misrepresent the Trust, by posting false or inaccurate statements about the work of the Trust
- 12.12 In circumstances where an employee makes an inappropriate comment in relation to the Trust, or an employee of the Trust, but does not actually name them, then the Trust may still consider taking action if it believes that the comment is damaging to the Trust.

### ***Communicating with pupils***

- 12.13 Employees work in a position of trust with pupils and it is therefore vital that this position is not abused. Individuals also need to ensure that they do not put themselves in a position where they can be accused of abusing that trust.
- 12.14 In support of this, employees must not have any communication with pupils through personal information and communication systems including personal e-mail accounts, social media sites, mobile phones, text messaging, etc.
- 12.15 All electronic communication with pupils must be through Trust e-mail accounts, for both pupils and staff, and should be appropriate to the staff/pupil relationship.

- 12.16 Employees must not give out their personal mobile phone numbers or e-mail addresses to any pupils or request and/or retain the personal phone numbers or e-mail addresses of pupils.
- 12.17 The above guidance regarding communication with pupils continues to apply when the pupils have left school and/or the employee has left the Trust.
- 12.18 It is recognised that there may be circumstances where employees of the Trust are known to pupils outside of work e.g. family relationships, private tutoring, membership of clubs, etc.
- 12.19 When employees are related to pupils within the Trust they are required to inform the Headteacher and this will be recorded on school systems. Electronic communication with pupils to whom an employee is related should take place out of working hours.
- 12.20 When employees interact with pupils from the Trust as a result of any additional employment they hold or volunteering they undertake, they are required to inform the Headteacher of this (or Chair of Governors in the case of the Headteacher). A declaration form is attached at Appendix 1. In these circumstances all electronic communications regarding these arrangements should take place out of working hours.
- 12.19 Exceptions to paragraphs 12.14 and 12.16 above may be agreed in writing by the Headteacher in certain circumstances, for example, for the duration of an educational visit to ensure effective communication between staff and pupils.

### **13. Whistleblowing**

- 13.1 Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Trust. They may also fear harassment or victimisation.
- 13.2 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees, and those associated with the Trust, who have serious concerns about any aspect of the Trust's work are expected to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 13.3 In order to ensure that this can happen the Trust has adopted a Whistleblowing Policy which is available at each Trust school. This policy is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or 'blowing the whistle' outside.



# **Guidance for safer working practice for those working with children and young people in education settings**

**May 2019**



**Acknowledgments: Adapted and updated by the Safer Recruitment Consortium from an original IRSC / DfE document and with thanks to CAPE (Child Protection in Education) and NASS (National Association of Independent Schools and Non-Maintained Special Schools)**

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## Foreword

Safeguarding and promoting the welfare of children is everyone's responsibility and I welcome the Safer Recruitment Consortium's guidance. It provides simple but detailed and practical advice to schools, colleges and the three safeguarding partners. I would encourage this guidance to be read alongside the DfE statutory guidance *Keeping children safe in education* when devising and implementing safeguarding and child protection policies and procedures.

**Nadhim Zahawi MP**

Parliamentary Under-Secretary of State for Children and Families  
Department for Education

## I. Definitions

For ease of reading, references will be made to 'school' and setting. This term encompasses all types of educational establishments including academies, independent and free schools, pupil referral units, alternative provision, FE institutions, sixth form colleges and early years settings.

References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all pupils, including those over the age of 18 years. 'Child' should therefore be read to mean **any pupil** at the education establishment.

References made to adults and staff refer to all those who work with pupils in an educational establishment, in either a paid or unpaid capacity. This would also include, for example, those who are not directly employed by the school or setting, e.g. local authority staff, sports coaches, governors, or trustees.

The term 'allegation' means where it is alleged that a person who works with children has

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or,
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

References are made in this document to legislation and statutory guidance which differ dependent on the setting and alter over time. However, the behavioural principles contained within the document remain consistent, hence, wherever possible, such references have been removed in order that the document does not appear to quickly become out of date or to apply only to certain staff or settings.

## II. Overview and purpose of guidance

This document is an update by the Safer Recruitment Consortium of a document previously published for schools by the Department for Education and Skills (DfES). It was initially issued as those working with children had expressed concern about their vulnerability and requested clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. Education staff asked for practical guidance about which behaviours constitute

safe practice and which behaviours should be avoided. This safe working practice document is NOT statutory guidance from the Department for Education (DfE); it is for employers, local authorities and/or the Three Safeguarding Partners to decide whether to use this as the basis for their code of conduct / staff behaviour guidelines.

The document seeks to ensure that the responsibilities of senior leaders of educational settings towards children and staff are discharged by raising awareness of illegal, unsafe, unprofessional and unwise behaviour. It should assist staff to monitor their own standards and practice and reduce the risk of allegations being made against them. It is also recognised that not all people who work with children work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by any person whose work brings them into contact with children.

The guidance will also support employers in giving a clear message that unacceptable behaviour will not be tolerated and that, where appropriate, legal or disciplinary action is likely to follow. Once adopted, as part of an establishment's staff behaviour policy, the school or settings may refer to the document in any disciplinary proceedings.

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

All staff have a responsibility to be aware of systems within their school which support safeguarding and these should be explained to them as part of staff induction and in regular staff training sessions. This includes the school's child protection policy and staff behaviour policy (sometimes called code of conduct) of which this document will become a part.

It is recognised that the vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children in their care. Achieving these aims is not always straightforward, as much relies on child and staff interactions where tensions and misunderstandings can occur. This document aims to reduce the risk of these.

It must be recognised that some allegations will be genuine as there are people who seek out, create or exploit opportunities to harm children. However, allegations may also be false or misplaced and may arise from differing perceptions of the same event. When they occur, they are inevitably distressing and difficult for all concerned. It is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them do so safely.

### **III. Underpinning principles**

- The welfare of the child is paramount
- Staff should understand their responsibilities to safeguard and promote the welfare of pupils
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions

- Staff should work, and be seen to work, in an open and transparent way
- Staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded
- Staff should discuss and/or take advice promptly from their line manager if they have acted in a way which may give rise to concern
- Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation
- Staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children
- Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct prohibition from teaching by the Teaching Regulation Agency (TRA)
- Staff and managers should continually monitor and review practice to ensure this guidance is followed
- Staff should be aware of and understand their establishment's child protection policy, arrangements for managing allegations against staff, staff behaviour policy, whistle blowing procedure and the procedures of the relevant Multi-agency Partnership (MAP).

#### **IV How to use this document**

This document is intended only to be guidance to schools and does not have any statutory weight. However, where statutory guidance does exist in relation to a specific topic or practice, this is noted in the text.

Each section provides general guidance about a particular aspect of work and, in the right-hand column, specific guidance about which behaviours should be avoided and which are recommended.

Some settings will have additional responsibilities arising from their regulations (e.g. Early Years Foundation Stage [EYFS], Quality Standards) or their responsibility towards young people over the age of 18. Not all sections of the guidance will, therefore, be relevant to all educational establishments.

## 1. Introduction

Adults have a crucial role to play in the lives of children. This guidance has been produced to help them establish the safest possible learning and working environments which safeguard children and reduce the risk of them being falsely accused of improper or unprofessional conduct.

## 2. Status of document

This document is endorsed and recommended by the Safer Recruitment Consortium. It should inform and assist employers to develop and review their guidelines on safer working practices. It may be used as reference by managers and Local Authority Designated Officers (the 'Designated Officer or DO<sup>1</sup>') when responding to allegations made against staff in education settings. This is **not** statutory guidance.

## 3. Responsibilities

Staff are accountable for the way in which they: exercise authority; manage risk; use resources; and safeguard children.

All staff have a responsibility to keep pupils safe and to protect them from abuse (sexual, physical and emotional), neglect and contextual safeguarding concerns. Pupils have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure their safety and well-being. Failure to do so may be regarded as professional misconduct.

The safeguarding culture of a school is, in part, exercised through the development of respectful, caring and professional relationships between adults and pupils and behaviour by the adult that demonstrates integrity, maturity and good judgement.

The public, local authorities, employers and parents/carers will have expectations about the nature of professional involvement in the lives of children. When individuals accept a role working in an education setting they should understand and acknowledge the responsibilities and trust involved in that role.

Employers have duties towards their employees and

*This means that these guidelines:*

- apply to **all** adults working in Education and Early Years settings whatever their position, role or responsibilities

*This means that staff should:*

- understand the responsibilities which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached
- always act, and be seen to act, in the child's best interests
- avoid any conduct which would lead any reasonable person to question their motivation and intentions
- take responsibility for their own actions and behaviour

*This means that employers should:*

- promote a culture of openness and support
- ensure that systems are in place for concerns to be raised
- ensure that adults are not placed in situations which render them particularly vulnerable
- ensure that all adults are aware of expectations, policies and procedures

*This means that Managers / Proprietors/ Governing Bodies should:*

- ensure that appropriate safeguarding and child protection policies and

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<sup>1</sup> Working Together 2018 refers to the Designated Officer – some local authority arrangements continue to refer to the LADO. Whilst some local authorities may still be using the term LADO the acronym DO is used to denote the DO function as set out in Working Together to Safeguard Children 2018.

others under Health and Safety legislation which requires them to take steps to provide a safe working environment for staff.

*procedures are distributed, adopted, implemented and monitored*

Legislation also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of these guidelines.

#### **4. Making professional judgements**

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour which is illegal, inappropriate or inadvisable. There will be rare occasions and circumstances in which staff have to make decisions or take action in the best interest of a pupil which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the pupils in their charge and, in so doing, will be seen to be acting reasonably. These judgements should always be recorded and shared with a manager.

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

#### **5. Power and positions of trust and authority**

As a result of their knowledge, position and/or the authority invested in their role, all those working with children in a school or education setting are in a position of trust in relation to all pupils on the roll.

The relationship between a person working with a child/ren is one in which the adult has a position of power or influence. It is vital for adults to understand this power; that the relationship cannot be one between equals and the responsibility they must exercise as a consequence.

The potential for exploitation and harm of vulnerable pupils means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

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

- *discuss the circumstances that informed their action, or their proposed action, with their line manager or, where appropriate, the school's designated safeguarding lead. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- *always discuss any misunderstanding, accidents or threats with the Head teacher or designated safeguarding lead*
- *always record discussions and actions taken with their justifications*
- *record any areas of disagreement and, if necessary, refer to another agency / the LA / Ofsted / TRA / other Regulatory Body*

*This means that staff should not:*

- *use their position to gain access to information for their own advantage and/or a pupil's or family's detriment*
- *use their power to intimidate, threaten, coerce or undermine pupils*
- *use their status and standing to form or promote relationships with pupils which are of a sexual nature, or which may become so*

Staff should always maintain appropriate professional boundaries, avoid behaviour which could be misinterpreted by others and report and record any such incident.

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence<sup>2</sup> for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

## 6. Confidentiality

The storing and processing of personal information is governed by the General Data Protection Regulations 2017 (GDPR) and Data Protection Act 2018. Employers should provide clear advice to staff about their responsibilities under this legislation so that, when considering sharing confidential information, those principles should apply.

Staff may have access to special category personal data about pupils and their families which must be kept confidential at all times and only shared when legally permissible to do so and in the interest of the child. Records should only be shared with those who have a legitimate professional need to see them.

Staff should never use confidential or personal information about a pupil or her/his family for their own, or others advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the child. Confidential information should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the pupil's identity does not need to be disclosed the information should be used anonymously.

There are some circumstances in which a member of staff may be expected to share information about a pupil, for example when abuse is alleged or suspected. In such cases, individuals have a responsibility to pass information on without delay, but only to those with designated safeguarding responsibilities or to statutory services.

If a child – or their parent / carer – makes a disclosure regarding abuse or neglect, the member of staff should follow the setting's procedures. The adult should not

*This means that school leaders should:*

- *Ensure that all staff who need to share 'special category personal data' are aware that the DPA 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent or if to gain consent would place a child at risk*

*This means that staff:*

- *need to know the name of their Designated Safeguarding Lead and be familiar with MAP child protection procedures and guidance:*
- *are expected to treat information they receive about pupils and families in a discreet and confidential manner*
- *should seek advice from a senior member of staff (designated safeguarding lead) if they are in any doubt about sharing information they hold or which has been requested of them*
- *need to be clear about when information can/ must be shared and in what circumstances*
- *need to know the procedures for responding to allegations against staff and to whom any concerns or allegations should be reported*
- *need to ensure that where personal information is recorded electronically that systems and devices are kept secure*

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<sup>2</sup> Sexual Offences Act 2003



promise confidentiality to a child or parent, but should give reassurance that the information will be treated sensitively.

If a member of staff is in any doubt about whether to share information or keep it confidential, he or she should seek guidance from the Designated Safeguarding Lead. Any media or legal enquiries should be passed to senior management.

## **7. Standards of behaviour**

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. They should adopt high standards of personal conduct in order to maintain confidence and respect of the general public and those with whom they work.

There may be times where an individual's actions in their personal life come under scrutiny from the community, the media or public authorities, including with regard to their own children, or children or adults in the community. Staff should be aware that their behaviour, either in or out of the workplace, could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the employer into disrepute. Such behaviour may also result in prohibition from teaching by the Teaching Regulation Agency (TRA) a bar from engaging in regulated activity, or action by another relevant regulatory body.

The Childcare (Disqualification) Regulations 2018 set out grounds for disqualification under the Childcare Act 2006 where the person meets certain criteria set out in the Regulations. For example, an individual will be disqualified where they have committed a relevant offence against a child; been subject to a specified order relating to the care of a child; committed certain serious sexual or physical offences against an adult; been included on the DBS children's barred list; been made subject to a disqualification order by the court; previously been refused registration as a childcare provider or provider or manager of a children's home or had such registration cancelled. A disqualified person is prohibited from providing relevant early or later years childcare as defined in the Childcare Act 2006 or being directly concerned in the management of such childcare. Schools and private childcare settings are also prohibited from employing a disqualified person in respect of relevant early or later years childcare.

*This means that staff should not:*

- *behave in a manner which would lead any reasonable person to question their suitability to work with children or to act as an appropriate role model*
- *make, or encourage others to make sexual remarks to, or about, a pupil*
- *use inappropriate language to or in the presence of pupils*
- *discuss their personal or sexual relationships with or in the presence of pupils*
- *make (or encourage others to make) unprofessional personal comments which scapegoat, demean, discriminate or humiliate, or might be interpreted as such*

*This means that staff should:*

- *inform the head/principal or specified person of any cautions, convictions, or relevant orders accrued during their employment, and / or if they are charged with a criminal offence*
- *be aware that behaviour by themselves, those with whom they have a relationship or association, or others in their personal lives, may impact on their work with children*

*This means that school leaders should:*

- *have a clear expectation that staff will discuss with managers any relationship / association (in or out of school or online) that may have implications for the safeguarding of children in school*
- *create a culture where staff feel able to raise these issues*
- *safeguard their employees' welfare and contribute to their duty of care towards their staff*
- *identify whether arrangements are needed to support these staff*

The Disqualification under the Childcare Act 2006 (Regulations 2018) state that schools should make clear their expectation that staff should disclose any relationship or association (in the real world or online) that may impact on the school's ability to safeguard pupils. This applies to all staff in all schools, not just those in early or later years childcare.

- *consider whether there are measures that need to be put in place to safeguard children (e.g. by putting arrangements in place to stop or restrict a person coming into school where a potential risk to children has been identified)*

*Schools must not*

- *ask intrusive questions of staff regarding those they live with or have relationships / associations with.*

## 8. Dress and appearance

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However, staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegation.

*This means that staff should wear clothing which:*

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory*
- *is compliant with professional standards*

## 9. Gifts, rewards, favouritism and exclusion

Settings should have policies in place regarding the giving of gifts or rewards to pupils and the receiving of gifts from them or their parents/carers and staff should be made aware of and understand what is expected of them.

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

There are occasions when pupils or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is usually acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Similarly, it is inadvisable to give such personal gifts to pupils or their families. This could be interpreted as a gesture either to bribe or groom. It might also be perceived that a 'favour' of some kind is expected in return.

Any reward given to a pupil should be in accordance with agreed practice, consistent with the school or setting's behaviour policy, recorded and not based on favouritism.

*This means that staff should:*

- *be aware of and understand their organisation's relevant policies, e.g. rewarding positive behaviour*
- *ensure that gifts received or given in situations which may be misconstrued are declared and recorded*
- *only give gifts to a pupil as part of an agreed reward system*
- *where giving gifts other than as above, ensure that these are of insignificant value and given to all pupils equally*
- *ensure that all selection processes of pupils are fair and these are undertaken and agreed by more than one member of staff*
- *ensure that they do not behave in a manner which is either favourable or unfavourable to individual pupils*

Adults should exercise care when selecting children for specific activities, jobs or privileges in order to avoid perceptions of favouritism or injustice. Similar care should be exercised when pupils are excluded from an activity. Methods of selection and exclusion should always be subject to clear, fair, agreed criteria.

## **10. Infatuations and ‘crushes’**

All staff need to recognise that it is not uncommon for pupils to be strongly attracted to a member of staff and/or develop a ‘crush’ or infatuation. They should make every effort to ensure that their own behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.

Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the headteacher or most senior manager<sup>3</sup>. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

The headteacher (or senior manager) should give careful thought to those circumstances where the staff member, pupil and their parents/carers should be spoken to and should ensure a plan to manage the situation is put in place. This plan should respond sensitively to the child and staff member and maintain the dignity of all. This plan should involve all parties, be robust and regularly monitored and reviewed.

## **11. Social contact outside of the workplace**

It is acknowledged that staff may have genuine friendships and social contact with parents of pupils, independent of the professional relationship. Staff should, however, also be aware that professionals who sexually harm children often seek to establish relationships and contact outside of the workplace with both the child and their parents, in order to ‘groom’ the adult and the child and/or create opportunities for sexual abuse.

It is also important to recognise that social contact may

*This means that staff should:*

- *report any indications (verbal, written or physical) that suggest a pupil may be infatuated with a member of staff*
- *always maintain professional boundaries*

*This means that senior managers should:*

- *put action plans in place where concerns are brought to their attention*

*This means that staff should:*

- *always approve any planned social contact with pupils or parents with senior colleagues, for example when it is part of a reward scheme*
- *advise senior management of any regular social contact they have with a pupil which could give rise to concern*
- *refrain from sending personal communication to pupils or parents unless agreed with senior managers*

<sup>3</sup> If the headteacher has the concern that a young person is becoming infatuated with them, they should report this to the chair of governors, trustees or proprietor.

provide opportunities for other types of grooming such as for the purpose of sexual exploitation or radicalisation.

Staff should recognise that some types of social contact with pupils or their families could be perceived as harmful or exerting inappropriate influence on children, and may bring the setting into disrepute (e.g. attending a political protest, circulating propaganda).

If a pupil or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement. This also applies to social contacts made through outside interests or the staff member's own family.

Some staff may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the staff member or seeks support outside of their professional role this should be discussed with senior management and where necessary referrals made to the appropriate support agency.

## **12. Communication with children (including the use of technology)**

In order to make best use of the many educational and social benefits of new and emerging technologies, pupils need opportunities to use and explore the digital world. Online risks are posed more by behaviours and values than the technology itself.

Staff should ensure that they establish safe and responsible online behaviours, working to local and national guidelines and acceptable use policies which detail how new and emerging technologies may be used.

Communication with children both in the 'real' world and through web based and telecommunication interactions should take place within explicit professional boundaries. This includes the use of computers, tablets, phones, texts, e-mails, instant messages, social media such as Facebook and Twitter, chat-rooms, forums, blogs, websites, gaming sites, digital cameras, videos, web-cams and other hand-held devices. (Given the ever-changing world of technology it should be noted that this list gives examples only and is not exhaustive.)

Staff should not request or respond to any personal

- *inform senior management of any relationship with a parent where this extends beyond the usual parent/professional relationship*
- *inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring*

*This means that adults should:*

- *not seek to communicate/make contact or respond to contact with pupils outside of the purposes of their work*
- *not give out their personal details*
- *use only equipment and Internet services provided by the school or setting*
- *turn off 3G/4G data access on school premises*
- *follow their school / setting's Acceptable Use Policy*
- *ensure that their use of technologies could not bring their employer into disrepute*
- *not discuss or share data relating to children/ parents / carers in staff social media groups*

*This means that education settings should:*

- *wherever possible, provide school devices such as cameras and mobile phones rather than expecting staff to use their own (e.g. on school trips)*

information from children other than which may be necessary in their professional role. They should ensure that their communications are open and transparent and avoid any communication which could be interpreted as 'grooming behaviour'

Staff should not give their personal contact details to children for example, e-mail address, home or mobile telephone numbers, details of web-based identities. If children locate these by any other means and attempt to contact or correspond with the staff member, the adult should not respond and must report the matter to their manager. The child should be firmly and politely informed that this is not acceptable.

Staff should, in any communication with children, also follow the guidance in section 7 'Standards of Behaviour'.

Staff should adhere to their establishment's policies, including those with regard to communication with parents and carers and the information they share when using the internet.

### 13. Physical contact

There are occasions when it is entirely appropriate and proper for staff to have physical contact with children, however, it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil's individual needs and any agreed care plan.

Not all children feel comfortable about certain types of physical contact; this should be recognised and, wherever possible, adults should seek the pupil's permission before initiating contact and be sensitive to any signs that they may be uncomfortable or embarrassed. Staff should acknowledge that some pupils are more comfortable with touch than others and/or may be more comfortable with touch from some adults than others. Staff should listen, observe and take note of the child's reaction or feelings and, so far as is possible, use a level of contact and/or form of communication which is acceptable to the pupil.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one pupil, in one set of circumstances, may be inappropriate in another, or with a different child.

Any physical contact should be in response to the

*This means that staff should:*

- *be aware that even well-intentioned physical contact may be misconstrued by the pupil, an observer or any person to whom this action is described*
- *never touch a pupil in a way which may be considered indecent*
- *always be prepared to explain actions and accept that all physical contact be open to scrutiny*
- *never indulge in horseplay or fun fights*
- *always allow/encourage pupils, where able, to undertake self-care tasks independently*
- *ensure the way they offer comfort to a distressed pupil is age appropriate*
- *always tell a colleague when and how they offered comfort to a distressed pupil*
- *establish the preferences of pupils*
- *consider alternatives, where it is anticipated that a pupil might misinterpret or be uncomfortable with physical contact*
- *always explain to the pupil the reason why contact is necessary and what form that contact will take*
- *report and record situations which may give rise to concern*
- *be aware of cultural or religious views about touching and be sensitive to issues of gender*

child's needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. Adults should therefore, use their professional judgement at all times.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action by them or a colleague could be misinterpreted, or if an action is observed which is possibly abusive, the incident and circumstances should be immediately reported to the manager and recorded. Where appropriate, the manager should consult with the Local Authority Designated Officer (the DO).

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. Staff need to be aware that the child may associate physical contact with such experiences. They also should recognise that these pupils may seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively and help them to understand the importance of personal boundaries.

A general culture of 'safe touch' should be adopted, where appropriate, to the individual requirements of each child. Pupils with special educational needs or disabilities may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the pupil's needs, consistently applied and open to scrutiny.

#### **14. Other activities that require physical contact**

In certain curriculum areas, such as PE, drama or music, staff may need to initiate some physical contact with children, for example, to demonstrate technique in the use of a piece of equipment, adjust posture, or support a child so they can perform an activity safely or prevent injury.

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

*This means that education settings should:*

- *ensure they have a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management*
- *provide staff, on a 'need to know' basis, with relevant information about vulnerable children in their care*

*This means that staff should:*

- *treat pupils with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a pupil the reason why contact is necessary and what form that contact will take*
- *seek consent of parents where a pupil is unable to give this; e.g. because of age or disability*
- *consider alternatives, where it is anticipated that a pupil might misinterpret any such contact*
- *be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*
- *be aware of gender, cultural and religious issues that may need to be considered prior to initiating physical*

Guidance and protocols around safe and appropriate physical contact may be provided, for example, by sports governing bodies and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent or carer.

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

## 15 Intimate / personal care

Schools and settings should have clear nappy or pad changing and intimate / personal care policies which ensure that the health, safety, independence and welfare of children is promoted and their dignity and privacy are respected. Arrangements for intimate and personal care should be open and transparent and accompanied by recording systems.

Pupils should be encouraged to act as independently as possible and to undertake as much of their own personal care as is possible and practicable. When assistance is required, this should normally be undertaken by one member of staff, however, they should try to ensure that another appropriate adult is in the vicinity who is aware of the task to be undertaken and that, wherever possible, they are visible and/or audible. Intimate or personal care procedures should not involve more than one member of staff unless the pupil's care plan specifies the reason for this.

A signed record should be kept of all intimate and personal care tasks undertaken and, where these have been carried out in another room, should include times left and returned.

Any vulnerability, including those that may arise from a physical or learning difficulty should be considered when formulating the individual pupil's care plan. The views of parents, carers and the pupil, regardless of their age and understanding, should be actively sought in formulating the plan and in the necessary regular reviews of these arrangements.

Pupils are entitled to respect and privacy at all times and especially when in a state of undress, including, for

contact

*This means that schools/settings should:*

- have in place up to date guidance and protocols on appropriate physical contact, that promote safe practice and include clear expectations of behaviour and conduct.
- ensure that staff are made aware of this guidance and that it is continually promoted

*This means that education settings should:*

- have written care plans in place for any pupil who could be expected to require intimate care
- ensure that pupils are actively consulted about their own care plan

*This means that staff should:*

- adhere to their organisation's intimate and personal care and nappy changing policies
- make other staff aware of the task being undertaken
- always explain to the pupil what is happening before a care procedure begins
- consult with colleagues where any variation from agreed procedure/care plan is necessary
- record the justification for any variations to the agreed procedure/care plan and share this information with the pupil and their parents/carers
- avoid any visually intrusive behaviour
- where there are changing rooms announce their intention of entering
- always consider the supervision needs of the pupils and only remain in the room where their needs require this

*This means that adults should not:*

- change or toilet in the presence or sight of pupils
- shower with pupils
- assist with intimate or personal care tasks which the pupil is able to undertake independently

example, when changing, toileting and showering. However, there needs to be an appropriate level of supervision in order to safeguard pupils, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the children concerned and sensitive to the potential for embarrassment.

## 16 Behaviour management

Corporal punishment and smacking are unlawful in all schools and education settings.

Staff should not use any form of degrading or humiliating treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children is completely unacceptable.

Where pupils display difficult or challenging behaviour, adults should follow the school's or setting's behaviour and discipline policy using strategies appropriate to the circumstance and situation.

Where a pupil has specific needs in respect of particularly challenging behaviour, a positive handling plan, including assessment of risk, should be drawn up and agreed by all parties, including, for example, a medical officer where appropriate.

Senior managers should ensure that the establishment's behaviour policy includes clear guidance about the use of isolation and seclusion. The legislation on these strategies is complex and staff should take extreme care to avoid any practice that could be viewed as unlawful, a breach of the pupil's human rights and/or false imprisonment.

## 17. The use of control and physical intervention

Early years providers must take all reasonable steps to ensure that corporal punishment is not given by any person who cares for or is in regular contact with a child, or by any person living or working in the premises where care is provided. A person will not be taken to have used corporal punishment if the action was taken for reasons that include averting an immediate danger of personal injury to, or an immediate danger of death of, any person including the child<sup>4</sup>.

The law and guidance for schools states that adults may reasonably intervene to prevent a child from:

*This means that staff should:*

- not use force as a form of punishment
- try to defuse situations before they escalate e.g. by distraction
- keep parents informed of any sanctions or behaviour management techniques used
- be mindful of and sensitive to factors both inside and outside of the school or setting which may impact on a pupil's behaviour
- follow the establishment's behaviour management policy
- behave as a role model
- avoid shouting at children other than as a warning in an emergency/safety situation
- refer to national and local policy and guidance regarding Restrictive Physical Intervention (RPI)
- be aware of the legislation and potential risks associated with the use of isolation and seclusion
- comply with legislation and guidance in relation to human rights and restriction of liberty

*This means that education settings should:*

- ensure that they have a lawful physical intervention policy consistent with local and national guidance
- regularly acquaint staff with policy and guidance
- ensure that staff are provided with appropriate training and support
- have an agreed policy for when and how physical interventions should be recorded and reported

<sup>4</sup> Para 3.52 Statutory framework for the early years foundation stage (DfE April 2017).



- committing a criminal offence
- injuring themselves or others
- causing damage to property
- engaging in behaviour prejudicial to good order and to maintain good order and discipline.

Care staff in residential special schools which are also registered as children's homes are not permitted to use physical intervention to maintain good order or discipline and should refer to the Children's Homes Regulations (England) 2015 for information.

Great care must be exercised in order that adults do not physically intervene in a manner which could be considered unlawful.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted or disproportionate physical force is likely to constitute a criminal offence. Where the school or setting judges that a child's behaviour presents a serious risk to themselves or others, they must always put in place a robust risk assessment which is reviewed regularly and, where relevant, a physical intervention plan.

In all cases where physical intervention has taken place, it would be good practice to record the incident and subsequent actions and report these to a manager and the child's parents. (In a children's home it is a legal requirement to record such incidents.)

Similarly, where it can be anticipated that physical intervention is likely to be required, a plan should be put in place which the pupil and parents/carers are aware of and have agreed to. Parental consent does not permit settings to use unlawful physical intervention or deprive a pupil of their liberty.

## 18. Sexual conduct

Any sexual behaviour by a member of staff with or towards a pupil is unacceptable. It is an offence for a member of staff in a position of trust to engage in sexual activity with a pupil under 18 years of age<sup>5</sup> and sexual activity with a child could be a matter for criminal and/or disciplinary procedures.

Pupils are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions

*This means that staff should:*

- *adhere to the school or setting's physical intervention policy*
- *always seek to defuse situations and avoid the use of physical intervention wherever possible*
- *where physical intervention is necessary, only use minimum force and for the shortest time needed*

*This means that staff should not*

- *use physical intervention as a form of punishment*

*This means that staff should:*

- *not have any form of sexual contact with a pupil from the school or setting*
- *avoid any form of touch or comment which is, or may be considered to be, indecent*
- *avoid any form of communication with a pupil which could be interpreted as sexually suggestive, provocative or give rise to speculation e.g. verbal comments,*

<sup>5</sup> Sexual Offences Act 2003: abuse of a position of trust

depending on their age and understanding. This includes the prohibition of sexual activity with children by adults in a position of trust.

Sexual activity involves physical contact including penetrative and non-penetrative acts, however it also includes non-contact activities, such as causing pupils to engage in or watch sexual activity or the production of pornographic material.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the purpose is to gain the trust of a child, and manipulate the relationship so sexual abuse can take place. All staff should undertake appropriate training so they are fully aware of those behaviours that may constitute 'grooming' and of their responsibility to always report to a senior manager any concerns about the behaviour of a colleague which could indicate that a pupil is being groomed.

## 19. One to one situations

Staff working in one to one situations with pupils at the setting, including visiting staff from external organisations can be more vulnerable to allegations or complaints.

To safeguard both pupils and adults, a risk assessment in relation to the specific nature and implications of one to one work should always be undertaken. Each assessment should take into account the individual needs of each pupil and should be reviewed regularly.

Arranging to meet with pupils from the school or setting away from the work premises should not be permitted unless the necessity for this is clear and approval is obtained from a senior member of staff, the pupil and their parents/carers.

## 20. Home visits

All work with pupils and parents should usually be undertaken in the school or setting or other recognised workplace. There are however occasions, in response to an urgent, planned or specific situation or job role, where it is necessary to make one-off or regular home visits.

It is essential that appropriate policies and related risk assessments are in place to safeguard both staff and pupils, who can be more vulnerable in these situations.

*letters, notes, by email or on social media, phone calls, texts, physical contact*

- *not make sexual remarks to or about a pupil*
- *not discuss sexual matters with or in the presence of pupils other than within agreed curriculum content or as part of their recognised job role*

*This means that staff should:*

- *ensure that wherever possible there is visual access and/or an open door in one to one situations*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a pupil becomes distressed or angry*
- *consider the needs and circumstances of the pupil involved*

*This means that staff should:*

- 17 *agree the purpose for any home visit with their manager*
- 18 *adhere to agreed risk management strategies*
- 19 *avoid unannounced visits wherever possible*
- 20 *ensure there is visual access and/or an open door in one to one situations*
- 21 *always make detailed records including times of arrival and departure*

A risk assessment should be undertaken prior to any planned home visit taking place. The assessment should include an evaluation of any known factors regarding the pupil, parents/carers and any others living in the household. Consideration should be given to any circumstances which might render the staff member becoming more vulnerable to an allegation being made e.g. hostility, child protection concerns, complaints or grievances. Specific thought should be given to visits outside of 'office hours' or in remote or secluded locations. Following the assessment, appropriate risk management measures should be put in place, before the visit is undertaken. In the unlikely event that little or no information is available, visits should not be made alone.

## 21. Transporting pupils

In certain situations, staff or volunteers may be required or offer to transport pupils as part of their work. As for any other activity undertaken at work, the employer has a duty to carry out a risk assessment covering the health and safety of their staff and to manage any known risks.<sup>6</sup>

Consideration must be given to the potential distraction of the driver and the supervision of the passengers. A judgement should be made about the likely behaviour and individual needs of the child/ren. If any of them may require close supervision, then another adult should travel in the vehicle so that the driver is not distracted or compromised<sup>7</sup>.

Staff should not offer lifts to pupils unless the need for this has been agreed by a manager. A designated member of staff should be appointed to plan and provide oversight of all transport arrangements and respond to any concerns that may arise.

Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles and with at least one adult additional to the driver acting as an escort.

It is a legal requirement that all passengers wear seatbelts and the driver should ensure that they do so. They should also be aware of and adhere to current legislation regarding the use of car seats / booster seats

22 ensure any behaviour or situation which gives rise to concern is discussed with their manager

*This means that education settings should:*

- ensure that they have home visit and lone-working policies which all adults are made aware of. These should include arrangements for risk assessment and management
- ensure that all visits are justified and recorded
- ensure that staff are not exposed to unacceptable risk
- make clear to staff that, other than in an emergency, they should not enter a home if the parent/carer is absent
- ensure that staff have access to a mobile telephone and an emergency contact

*This means that staff should:*

- plan and agree arrangements with all parties in advance
- respond sensitively and flexibly where any concerns arise
- take into account any specific or additional needs of the pupil
- have an appropriate licence/permit for the vehicle
- ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/or ability to drive
- ensure that if they need to be alone with a pupil this is for the minimum time
- be aware that the safety and welfare of the pupil is their responsibility until this is safely passed over to a parent/carer
- report the nature of the journey, the route and expected time of arrival in accordance with agreed procedures
- ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven
- ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified
- refer to Local and National guidance for Educational visits

*This means education settings should:*

- seek evidence that:

<sup>6</sup> See also <https://www.gov.uk/government/publications/health-and-safety-advice-for-schools>

<sup>7</sup> OEAP updated guidance (July 2018) <https://oeapng.info/3618-transporting-young-people-in-private-cars/>

for younger children.

Staff should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They should ensure that the vehicle is roadworthy and appropriately insured and that the maximum carrying capacity is not exceeded.

Staff should never offer to transport pupils outside of their normal working duties, other than in an emergency or where not doing so would mean the child may be at risk. In these circumstances the matter should be recorded and reported to both their manager and the child's parent(s). The school's health and safety policy and/or educational visits policy should set out the arrangements under which staff may use private vehicles to transport pupils

- *the vehicle is safe. This means that it holds a valid MOT certificate, where relevant, that the driver certifies it has been serviced in line with the manufacturer's schedule, and that the driver carries out any pre-use checks specified by the manufacturer*
- *the driver is suitable. This means that they hold a valid licence for the type of vehicle and meet any employer requirements*
- *there is a valid insurance policy covering the driver and the vehicle for the intended use. This may require that the driver has 'business use' cover.*
- *Retain evidence of the above with the risk assessment<sup>8</sup>*

## 22. Educational visits

Staff responsible for organising educational visits should be familiar with the Department for Education's advice on Health and Safety available at <https://www.gov.uk/government/publications/health-and-safety-on-educational-visits><sup>9</sup>

The duties in the Health and Safety at Work etc. Act 1974 and the supporting regulations apply to activities taking place on or off the school premises (including school visits) in Great Britain. All school employers must have a Health and Safety policy. This should include policy and procedures for off-site visits, including residential visits and any school-led adventure activities.

The Management of Health and Safety at Work Regulations (1999) impose a duty on employers to produce suitable and sufficient risk assessments. This would include assessment of any risks to employees, children or others during an educational visit, and the measures that should be taken to minimise these risks. For regular activities, such as taking pupils to a local swimming pool, the risks should be considered under the school's general arrangements and a check to make sure that the precautions remain suitable is all that is required. For annual or infrequent activities, a review of an existing assessment may be all that is needed. For new higher-risk activities or trips, a specific assessment of the significant risks should be carried

*This means that staff should:*

- *adhere to their organisation's educational visits guidance*
- *always have another adult present on visits, unless otherwise agreed with senior staff*
- *undertake risk assessments*
- *have the appropriate consents in place (e.g. medical)*
- *ensure that their behaviour remains professional at all times*
- *never share beds with a child/pupil*
- *never share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with Head teacher, parents and pupils*
- *refer to local and national guidance for educational visits, including exchange visits (both to the UK and abroad)*

<sup>8</sup> OEAP updated guidance (July 2018) <https://oeapng.info/3618-transporting-young-people-in-private-cars/>

<sup>9</sup> Guidance is also available from the Outdoor Education Advisers' Panel <http://oeapng.info/>

out.

Staff should take particular care when supervising pupils in the less formal atmosphere of an educational visit where a more relaxed discipline or informal dress and language code may be acceptable. However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out of school or setting activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, adults and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings should pay careful attention to ensuring there is a safe staff/child ratio and suitable gender mix of staff.

### 23. First Aid and medication

All settings should have an adequate number of qualified first-aiders. Parents should be informed when first aid has been administered.

Any member of school staff may be asked to become a qualified first-aider or to provide support to pupils with medical conditions, including the administering of medicines, but they cannot be required to do so unless this forms part of their contract of employment<sup>10</sup>

Staff should receive sufficient and suitable training and achieve the necessary level of competency before they take on responsibility to support children with medical conditions.

Advice on managing medicines is included in the statutory guidance on supporting pupils at school with medical conditions. In circumstances where a pupil needs medication regularly, this would usually be recorded in their individual healthcare plan. This provides details of the level and type of support a child needs to manage effectively their medical condition in school and should include information about the medicine to be administered, the correct dosage and any storage requirements.

After discussion with parents, children who are competent should be encouraged to take responsibility for managing their own medicines and procedures. This

*This means that education settings should:*

- *ensure there are trained and named individuals to undertake first aid responsibilities, including paediatric first aid if relevant*
- *ensure training is regularly monitored and updated*
- *refer to local and national First Aid guidance and guidance on meeting the needs of children with medical conditions that adults should:*
- *adhere to the school or setting's health and safety and supporting pupils with medical conditions policies*
- *make other staff aware of the task being undertaken*
- *have regard to pupils' individual healthcare plans*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*
- *explain to the pupil what is happening.*
- *always act and be seen to act in the pupil's best interest*
- *make a record of all medications administered*
- *not work with pupils whilst taking medication unless medical advice confirms that they are able to do so*

<sup>10</sup> Teachers cannot be required to do these tasks but other members of staff, whose contracts are agreed locally, can be required to do so if their contracts provide for it.

could include for example, the application of any ointment or sun cream, or use of inhalers or Epipens.

If a member of staff is concerned or uncertain about the amount or type of medication being given to a pupil this should be discussed with the Designated Safeguarding Lead.

Adults taking medication which may affect their ability to care for children should seek medical advice regarding their suitability to do so and providers should ensure that they only work directly with children if that advice confirms that the medication is unlikely to impair their ability to look after children. Employers are also responsible for managing the performance of their employees and for ensuring they are suitable to work with children.

Risk assessment is likely to recommend that staff medication on the premises must be securely stored and out of reach of children at all times

## **24. Photography, videos and other images / media**

Many educational activities involve recording images. These may be undertaken for displays, publicity, to celebrate achievement and to provide records of evidence of the activity. Under no circumstances should staff be expected or allowed to use their personal equipment to take images of pupils at or on behalf of the school or setting.

All settings should have arrangements with regard to the taking and use of images, which is linked to their safeguarding and child protection policy. This should cover the wide range of devices which can be used for taking/recording images e.g. cameras, mobile-phones, smart phones, tablets, web-cams etc. and arrangements for the use of these by both staff, parents and visitors.

Whilst images are regularly used for very positive purposes, adults need to be aware of the potential for these to be taken and/or misused or manipulated for pornographic or 'grooming' purposes. Particular regard needs to be given when images are taken of young or vulnerable children who may be unable to question why or how the activities are taking place.

Pupils who have been previously abused in a manner that involved images may feel particularly threatened by the use of photography, filming etc. Staff should

*This means that staff should:*

- *adhere to their establishment's policy*
- *only publish images of pupils where they and their parent/carer have given explicit written consent to do so*
- *only take images where the pupil is happy for them to do so*
- *only retain images when there is a clear and agreed purpose for doing so*
- *store images in an appropriate secure place in the school or setting*
- *ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose*
- *be able to justify images of pupils in their possession*
- *avoid making images in one to one situations*

*This means that adults should not:*

- *take images of pupils for their personal use*
- *display or distribute images of pupils unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child)*
- *take images of children using personal equipment*
- *take images of children in a state of undress or semi-undress*
- *take images of a child's injury, bruising or similar (e.g. following a disclosure of*

remain sensitive to any pupil who appears uncomfortable and should recognise the potential for misinterpretation.

Making and using images of pupils will require the age appropriate consent of the individual concerned and their parents/carers. Images should not be displayed on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the setting have access.

For the protection of children, it is recommended that when using images for publicity purposes that the following guidance should be followed:

- if the image is used, avoid naming the child, (or, as a minimum, use first names rather than surnames)
- if the child is named, avoid using their image
- schools and settings should establish whether the image will be retained for further use, where and for how long
- images should be securely stored and used only by those authorised to do so.

## **25. Exposure to inappropriate images**

Staff should take extreme care to ensure that children and young people are not exposed, through any medium, to inappropriate or indecent images.

There are no circumstances that will justify adults: making, downloading, possessing or distributing indecent images or pseudo-images of children (child abuse images). Accessing these images, whether using the setting's or personal equipment, on or off the premises, or making, storing or disseminating such material is illegal.

If indecent images of children are discovered at the establishment or on the school or setting's equipment an immediate referral should be made to the Designated Officer (DO) and the police contacted if relevant. The images/equipment should be secured and there should be no attempt to view or delete the images as this could jeopardise necessary criminal action. If the images are of children known to the school, a referral should also be made to children's social care in line with local arrangements.

Under no circumstances should any adult use school or setting equipment to access pornography. Personal equipment containing pornography or links to it should

*abuse) even if requested by children's social care*

- *make audio recordings of a child's disclosure*
- *take images of children which could be considered as indecent or sexual*

*This means that staff should:*

- *abide by the establishment's acceptable use and e-safety policies*
- *ensure that children cannot be exposed to indecent or inappropriate images*
- *ensure that any films or material shown to children are age appropriate*

never be brought into or used in the workplace. This will raise serious concerns about the suitability of the adult to continue working with children and young people.

Staff should keep their passwords confidential and not allow unauthorised access to equipment. In the event of any indecent images of children or unsuitable material being discovered on a device the equipment should not be tampered with in any way. It should be secured and isolated from the network, and the DO contacted without delay. Adults should not attempt to investigate the matter or evaluate the material themselves as this may lead to a contamination of evidence and a possibility that they will be at risk of prosecution themselves.

## **26. Personal living accommodation including on-site provision**

Generally, staff should not invite any pupils into their living accommodation unless the reason to do so has been firmly established and agreed with their manager and the pupil's parents/carers.

It is not appropriate for staff to be expected or requested to use their private living space for any activity, play or learning. This includes seeing pupils for e.g. discussion of reports, academic reviews, tutorials, pastoral care or counselling. Managers should ensure that appropriate accommodation for such activities is found elsewhere in the setting.

Under no circumstances should pupils be asked to assist adults with jobs or tasks, either for or without reward, at or in their private accommodation.

This guidance should also apply to all other persons living in or visiting the private accommodation.

## **27. Overnight supervision and examinations**

There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process. In these circumstances, examination boards may allow candidates to take an examination the following morning, including Saturdays.

The supervision of a candidate on journeys to and from the centre and overnight may be undertaken by the candidate's parent/carer or centre staff.

*This means that staff should:*

- *be vigilant in maintaining their privacy, including when living in on-site accommodation*
- *be mindful of the need to avoid placing themselves in vulnerable situations*
- *refuse any request for their accommodation to be used as an additional resource for the school or setting*
- *be mindful of the need to maintain appropriate personal and professional boundaries*
- *not ask pupils to undertake jobs or errands for their personal benefit*

*This means that:*

- *schools should ensure that all arrangements reflect a duty of care towards pupils and staff*

*Where staff do supervise candidates overnight:*

- *a full health and safety risk assessment should have been undertaken*
- *all members of the household should have had appropriate vetting including,*



The examination board requires the centre to determine a method of supervision which ensures the candidate's wellbeing. As a result, in some circumstances staff may be asked to volunteer to supervise students perhaps in their own homes.

The overriding consideration should be the safeguarding of both the pupil and staff; therefore many local authorities, professional associations and unions do not endorse the practice of staff supervising candidates overnight in their own homes. Some schools employ alternatives such as a 'sleep-over' on the school premises.

Where arrangements are made for a staff member to supervise a pupil overnight then all necessary safeguards should be in place.

## 28. Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit or of a political or sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This can be supported by developing ground rules with pupils to ensure sensitive topics can be discussed in a safe learning environment. This plan should highlight particular areas of risk and sensitivity and care should especially be taken in those areas of the curriculum where usual boundaries or rules are less rigorously applied e.g. drama

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit, political or otherwise sensitive nature. Responding to children's questions requires careful judgement and staff should take guidance in these circumstances from the Designated Safeguarding Lead.

Care should be taken to comply with the setting's policy on spiritual, moral, social, cultural (SMSC) which should promote fundamental British values and be rigorously reviewed to ensure it is lawful and consistently applied. Staff should also comply at all times with the policy for relationships and sex education (RSE). It should be noted that parents have the right to withdraw their children from all or part of any sex education provided but not from the National Curriculum for Science.

*where eligible, DBS and barred list checks*

- *all arrangements should be made in partnership and agreement with the pupil and parents/carers*
- *arrangements involving one to one supervision should be avoided wherever possible.*
- *as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision*
- *whenever possible, independent oversight of arrangements should be made*
- *any situation which gives rise to complaint, disagreement or misunderstanding should be reported*
- *staff should have regard to any local and national guidance*

*This means that staff should:*

- *have clear written lesson plans*
- *take care when encouraging pupils to use self-expression, not to overstep personal and professional boundaries*
- *be able to justify all curriculum materials and relate these to clearly identifiable lessons plans.*

*This means that adults should not:*

- *enter into or encourage inappropriate discussions which may offend or harm others*
- *undermine fundamental British values*
- *express any prejudicial views*
- *attempt to influence or impose their personal values, attitudes or beliefs on pupils*

## 29. Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Education settings should have a clear and accessible whistleblowing policy that meets the terms of the Public Interest Disclosure Act 1998. Staff who use whistle blowing procedures should have their employment rights protected.

Staff should recognise their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies and that to not do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

## 30. Sharing concerns and recording incidents

All staff should be aware of their establishment's safeguarding procedures, including the procedures for dealing with allegations against staff and volunteers.

In the event of an allegation being made, by any person, or incident being witnessed, the relevant information should be immediately recorded and reported to the headteacher, senior manager or Designated Safeguarding Lead as appropriate.

Members of staff should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with or behaviour towards pupils, so that appropriate support can be provided and/or action can be taken.

In order to safeguard and protect pupils and colleagues, where staff have any concerns about someone who works with children they should immediately report this to the Head teacher, proprietor or senior manager in line with the setting's procedures.

*This means that schools and settings should:*

- *have a whistleblowing policy in place which is known to all*
- *include in the whistleblowing policy how to escalate concerns if they believe that safeguarding arrangements in the setting are not effective, or a child/ren are not being protected*
- *have clear procedures for dealing with allegations against persons working in or on behalf of the school or setting*

*This means that staff should:*

- *escalate their concerns if they believe a child or children are not being protected*
- *report any behaviour by colleagues that raises concern*
- *report allegations against staff and volunteers to their manager, or registered provider, or where they have concerns about the manager's response report these directly to the DO*

*This means that staff should:*

- *be familiar with their establishment's arrangements for reporting and recording concerns and allegations*
- *know how to contact the DO and Ofsted/regulatory body directly if required*
- *take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the school or setting*

*This means that education settings should:*

- *have an effective, confidential system for recording and managing concerns raised by any individual regarding adults' conduct and any allegations against staff and volunteers*

**Declaration of relationships with pupils outside of school****Appendix 2**

It is recognised that there may be circumstances whereby employees of the Trust are known to pupils outside of work. Examples include membership of sports groups, uniformed clubs, private tutoring and babysitting

Where employees have a relationship on a one-to-one basis or with a single family they should give the details below:

<b>Student Name</b>	<b>Relationship</b>

Continue on reverse if required.

Where employees are, for example, a group leader for a club which multiple pupils attend they should give the details below:

<b>Name of Group</b>	
Meeting place of Group	
Age range of children attending	
Gender of children	Male/Female/Mixed
Governing body details for group if applicable e.g. Girlguiding	
Approximate number of children in group	

I can confirm that I am fully aware of the code of conduct relating to contact out of school with pupils in line with this policy.

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

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

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

Name: \_\_\_\_\_

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

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

**Once completed, signed and dated, please return this form to the Headteacher.**