



## Title of Policy: Staff Code of Conduct

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This document is based upon the Safer Recruitment Consortium document ‘Guidance for safer working practice for those working with children and young people in education settings’ (2022)

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## Section 1: Overview

### 1.1 Introduction

This *Code of Conduct* is the school's *Staff Behaviour Policy*, as required by the statutory guidance for schools and colleges, *Keeping Children Safe in Education (KCSiE)*, *DfE 2024*. It is a core component of the school's strategy to fulfil its statutory responsibilities to safeguard and promote the welfare of all pupils. The *Code of Conduct* is referred to throughout this document as 'the policy'.

All employees and volunteers have personal and legal responsibilities that are wider than their safeguarding responsibilities and which include treating others with dignity and respect, acting honestly, using public funds and school equipment appropriately, adhering to health and safety guidelines and practising equal opportunities at all times. These expectations are set out below and should be fully observed by all staff, including the Headteacher, the Strategic Leadership Team and any volunteers, including Governors<sup>1</sup>, permitted to work in the school.

The policy highlights the principal areas and responsibilities of which employees and volunteers need to be aware when working in a school and is a framework for appropriate and safe behaviour. Employees and volunteers should ensure they are familiar with other specific policies that underpin these behaviours, which are listed in *Appendix 1 Related Reading*. While this policy deals mainly with the relationships between adults and children, it should also be read in the context of colleague relationships. The conduct of staff undertaking any role in school, without regard to seniority, is of the utmost importance in maintaining the professional standards which embody the principles of *Ensuring Excellence*.

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

### 1.2 Definitions

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, e.g. local authority staff, sports coaches, peripatetic music tutors, governors, trustees and volunteers.

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; and/or
- possibly committed a criminal offence against or related to a child; and/or
- behave towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

These criteria are defined in *KCSiE, 2024* as the 'harm threshold'. In line with Part Four of this guidance, the Local Authority Designated Officer (LADO) will be informed within one working day of all allegations that meet the harm threshold.

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<sup>1</sup> Governors are members of the School Standards Committee (SSC), sometimes referred to as the Governing Body. Throughout this document, for clarity, the Chair of the SSC will be referred to as the Chair of Governors.

Please note that the word ‘allegation’ may be more widely interpreted to include any concern about a breach of, or failure to comply with, this policy, referred to in *KCSiE, 2024* as a ‘low-level concern’.

*KCSiE, 2024* Part Four, Section 2, highlights that the term ‘low-level concern’ does not mean that it is insignificant. *KCSiE* defines a low-level concern as any concern, no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ that an adult working in or on behalf of the school may have acted in a way that is inconsistent with the *Staff Code of Conduct*, including inappropriate conduct outside of work, but does not meet the definition of an allegation as above, or is otherwise not serious enough to consider a referral to the LADO. *KCSiE* goes on to say that such low-level concerns may arise in several ways and from multiple sources, e.g. suspicion, complaint or disclosure made by a child, parent or other adult within or outside the organisation, or as a result of vetting checks undertaken.

### 1.3 Purpose of the Code of Conduct

This policy is based on the most current Safer Working Practice guidance from *the Safer Recruitment Consortium*.

The policy seeks to ensure that the responsibilities of school leaders towards children and staff are discharged by:

- raising awareness of illegal, unsafe, unprofessional and unwise behaviour;
- clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- assisting staff to monitor their own standards and practice and reduce the risk of allegations being made against them;
- reducing the incidence of positions of trust being abused or misused;
- supporting safer recruitment practice.

It is also recognised that not all people who work with children work as paid or contracted employees. It is important that all adults working with children understand that the nature of their work and the responsibilities related to that work, place them in a position of trust. The principles and guidance outlined in the policy apply to, and should be followed by, any person whose work brings them into contact with children.

The policy is intended to provide a clear message that unacceptable behaviour will not be tolerated and that, where appropriate, legal or disciplinary action is likely to follow. The school may refer to the policy 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 policy, or which directly contravene the policy. 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 adults who work with children 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. That includes this policy and the school’s *Child Protection and Safeguarding Policy*.

Creating a culture in which all concerns about adults (including allegations as defined above and all low-level concerns about breaches of this policy) are shared responsibly and with the correct person, recorded and dealt with appropriately, is critical. If implemented correctly, this policy should encourage an open and transparent culture; enable the school to identify concerning, problematic or inappropriate behaviour early; and minimise the risk of abuse. A culture of vigilance

will help to ensure that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the school.

Any behaviours - including allegations which meet the harm threshold and low-level concerns - which fall short of the guiding principles outlined in this policy, must be shared responsibly with the correct person, as required by *KCSiE, 2024*.

**The school's expectations of staff in relation to reporting all such allegations and behaviours, including low-level concerns, are set out in section 2.32 of this policy.**

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. However, it is also recognised that achieving those aims is not always straightforward, as much relies on child and staff interactions where tensions and misunderstandings can occur. This policy aims to reduce the risk of those misunderstandings.

It must be recognised that some allegations will be genuine as there are people who seek out, create or exploit opportunities to harm children. Some concerns about staff conduct may be deemed 'low-level concerns' and may not mean the adult responsible for them intends to harm a child but:

- their behaviour does not support a culture of safeguarding; and/or
- their behaviour may be an early indicator they are struggling to cope with their work for some reason and are therefore at risk of behaving unsafely in some way; and/or
- they may need support in order to establish or maintain appropriate professional boundaries and/or to continue working safely with children; and/or
- their behaviour may unwittingly mask the harmful behaviour or intentions of others by undermining adherence to this policy and/or the school's culture of safeguarding.

Allegations may also be false or misplaced and may arise from differing perceptions of the same event. Whatever the case, when allegations 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. In the event that any member of staff or volunteer is affected by anything they have witnessed and/or reported or is facing any form of allegation, support is available from a range of sources, both in school and externally, details of which can be accessed from staffroom well-being board.

As required by *KCSiE 2024* Part Four, the 'case manager'<sup>2</sup> should discuss with the LADO all allegations that a member of staff or volunteer has behaved in a way that meets the harm threshold criteria, as defined in section 1.2 above.

## 1.4 Compliance with the Staff Code of Conduct

This policy forms part of an employee's contract of employment. Failure to comply with it and with the associated school policies as highlighted in *Appendix 1 Related Reading* may result in disciplinary action being taken where breaches of the policy warrant such action.

The policy should be provided for all staff and volunteers (either electronically or via a paper copy) to read before they commence work at the school. Before having any contact with pupils, all staff and volunteers should be given an opportunity to discuss the policy with a member of the school leadership team and ask any questions in order to clarify understanding. The school will provide support for any member of staff or volunteer who requires additional support to understand the

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<sup>2</sup> The "case manager" will lead any investigation. This will be either the headteacher, or, where the headteacher is the subject of an allegation, the Chair of Governors (Chair of the School Standards Committee).

policy, for instance by providing a translation for any member of staff or volunteer for whom English is not their first language.

Staff and volunteers should be asked to sign a pro forma to confirm that they have read, understood and agree to comply with the policy<sup>3</sup>.

## 1.5 Treating other people with dignity and respect

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

## 1.6 Background

All adults who come into contact with children in their work whether paid or unpaid have a duty of care<sup>4</sup> to safeguard and promote their welfare.

*The Education Act 2002* (section 175), the *Education (Independent School Standards) Regulations 2014* and the *Education (Non-Maintained Special Schools) (England) Regulations 2015* place duties upon all schools with regard to safeguarding and promoting the welfare of children.

*The Children Act 2004* places a duty on organisations to safeguard and promote the well-being of children and young people. This includes the need to ensure that all adults who work with or on behalf of children and young people in these organisations are competent, confident and safe to do so.

*Working Together to Safeguard Children*<sup>5</sup>, 2023 and *Keeping Children Safe in Education*, 2024 define safeguarding as ‘protecting children from maltreatment; preventing impairment of children’s mental and physical health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes’.

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

## 1.7 What to do if you are worried a child is being abused

Staff and volunteers must be familiar with the school’s *Child Protection Policy*, *Behaviour Policy* and *Whistleblowing Policy*. If a member of staff or a volunteer has a concern about a child they should raise that concern with the school’s Designated Safeguarding Lead (DSL), as set out in the *Child Protection and Safeguarding Policy*.

**However, concerns about abuse of children by, or the conduct of, staff members, must be referred to the Headteacher, using Yellow (white) Forms.** Concerns about the conduct of the Headteacher should be referred to the Chair of Governors, Board of Trustees or Academy Trust.

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<sup>3</sup> The signing may be done on a paper document or electronically e.g. via Microsoft Forms.

<sup>4</sup> The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care.

<sup>5</sup> A guide to inter-agency working to safeguard and promote the welfare of children.



Such referrals can also be made directly to the LADO. Please refer to section 2.32 *Sharing and recording allegations and low-level concerns*).

If, at any point, there is a risk of immediate serious harm to a child, a referral should be made to Children's Social Care via the Front Door, or - in circumstances of immediate risk to the child - to the Police directly. Anybody can make a referral. If the child's situation does not appear to be improving, the staff member/volunteer with concerns should press for re-consideration.

## 1.8 Underpinning principles

- The welfare of the child is paramount.<sup>6</sup>
- Staff and volunteers should understand their responsibility to safeguard and promote the welfare of children and young people.
- Staff and volunteers 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 and volunteers should work and be seen to work in an open and transparent way, including self-reporting if their conduct or behaviour falls short of these guiding principles.
- Staff and volunteers should acknowledge that deliberately invented/malicious allegations by children are extremely rare and that all concerns should be reported and recorded.
- Staff and volunteers 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 and volunteers should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief, marriage/civil partnership, pregnancy/maternity and/or sexual orientation or identity.
- Staff and volunteers 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 and volunteers 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 by teachers, 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 and volunteers should be aware of and understand the school's *Child Protection and Safeguarding Policy*, arrangements for managing allegations against staff, this *Staff Code of Conduct*, *Behaviour Policy*, whistleblowing procedure and the local multi-agency safeguarding procedures established by the local multi-agency partnership, Warwickshire safeguarding.

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<sup>6</sup> *Children Act 1989*

## Section 2: Guidance about Safer Working Practice and Appropriate Professional Conduct

### 2.1 Context

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

All adults who work with children and young people have a crucial role to play in their lives. 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.

Whilst every attempt had been made to cover a wide range of situations, it should be recognised that any guidance cannot cover all eventualities. The COVID-19 pandemic with its associated closure of schools to most children is one such example of a circumstance which had not been foreseen and where Government, local authorities, school leaders and staff have had to review and amend guidance rapidly and repeatedly.

In any such unusual, unprecedented or unexpected circumstances, professional judgements may need to be made in situations not covered by existing guidance, or which directly contravene guidance previously issued. In such circumstances, staff are expected always to advise their headteacher, Designated Safeguarding Lead, or line manager 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 any temporary amendment to these should be explained to them by senior leaders. This includes the school's *Child Protection and Safeguarding Policy*, this *Staff Code of Conduct*, the *Behaviour Policy* and the *Online Safety/Acceptable Use Policy*.

### 2.2 'Unsuitability'

The guidance contained in this policy is an attempt to identify what behaviours are expected of staff and volunteers who work with children and young people in or on behalf of the school. Adults whose practice deviates from this policy may bring into question their suitability to work with children and young people. The guidance may be used

*This means that this policy:*

- *applies to all adults working in all education settings, whatever their position, role, or responsibilities*
- *may provide guidance where an individual's suitability to work with children and young people has been called into question*

*This means that staff and volunteers should:*

- *inform their Headteacher, DSL or line manager immediately of any situation or action taken that is in contravention of any school policy and the reasons/justification for taking that action*

*This means that the Trust/ school leaders / the School Standards Committee should:*

- *communicate to staff all updates and temporary changes to policies and systems that support safeguarding and check that staff have received and understood any changes*

*This means that staff and volunteers should:*

- *have a clear understanding about the nature and content of this policy*
- *discuss any uncertainties or*

as reference by managers and the Local Authority Designated Officer when responding to allegations made against, or concerns about the behaviour of staff.

## 2.3 Responsibilities

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

All staff and volunteers have a responsibility to keep children and young people safe and to protect them from sexual, physical and emotional abuse, neglect and extra-familial harm, including sexual and criminal exploitation and radicalisation. Children and young people 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 the safety and well-being of children and young people. Failure to do so may be regarded as professional misconduct.

The safeguarding culture of the school is, in part, exercised through the development of respectful, caring and professional relationships between adults and children and young people. It is also exercised through the behaviour of adults, which at all times should demonstrate 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 and young people. When individuals accept a role working in education, they should understand and acknowledge the responsibilities and trust involved in that role.

Employers also have a duty of care towards their employees, both paid and unpaid, under Health and Safety legislation which requires them to provide a safe working environment for staff.

Legislation also imposes a duty on employees<sup>7</sup> to take care of themselves and anyone else who may be affected by their actions or failings. Health and Safety duties and the adult's responsibility towards children should not conflict. Safe

*confusion with their line manager*

- *understand which behaviours may call into question their suitability to continue to work with children and young people, including behaviours outside school, known as transferable risk*

*This means that staff and volunteers should:*

- *understand the responsibilities which are part of their employment or role, including any temporary amendments in extraordinary circumstances and be aware that sanctions will be applied if those responsibilities are breached*
- *understand how to raise a concern and contact designated staff or partner agencies if they have a concern about a child, particularly if the normal arrangements have been amended*
- *always act and be seen to act in the best interests of children*
- *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 the Trust/ school leaders / the School Standards Committee should:*

- *ensure that appropriate safeguarding and child protection policies and procedures are distributed, adopted, implemented and monitored*
- *ensure there is a senior member of staff who is identified to be the recipient of safeguarding issues in relation to the behaviour of staff in the headteacher's absence; and to respond to any other safeguarding concerns in*

<sup>7</sup> Health and Safety at Work Act 1974 Part I, Section.7

practice can be demonstrated through the use and implementation of this guidance.

- the absence of a trained DSL*
- *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*
- *ensure that this policy and safer working practices are continually monitored and reviewed*
- *ensure that, where services or activities are provided by another body, the body concerned has appropriate safeguarding policies and procedures*
- *ensure that all staff and volunteers have access to and understand this policy and related policies and procedures*
- *ensure that all job and role descriptions and person specifications clearly identify each member of staff and volunteer's responsibility for safeguarding children in school and the competences necessary to fulfil the school's and the individual's duty of care*

## 2.4 Making professional judgements

This policy cannot provide a complete checklist of what is or is not appropriate behaviour for staff and volunteers in all circumstances. It does highlight, however, behaviour which is illegal, inappropriate or inadvisable. There will be rare occasions when staff or volunteers have to make decisions or take action in the best interests of a pupil which could contravene this guidance or where no guidance exists. Individual members of staff and volunteers 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. Such judgements, in those circumstances, should always be recorded and shared with the headteacher, the DSL or the individual's line manager.

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

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

- *discuss the circumstances that informed their action, or their proposed action, with their line manager or, where appropriate, the headteacher or the DSL. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*

- *always discuss any action which could be misinterpreted or any misunderstanding, accident or threat with the Headteacher or DSL*
- *record discussions and actions taken, with their justifications*
- *record any areas of disagreement about a course of action taken and, if necessary, refer to the LADO/ Ofsted/ TRA/ other regulatory body*

## 2.5 Power and positions of trust and authority

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children in school are in positions of trust in relation to those children.

The relationship between an adult working with a child is one in which the adult has a position of power or influence. It is vital for all such 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 young people means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff and volunteers should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any such incident to the headteacher. This is as relevant in the online world as it is in the classroom. Staff engaging with pupils and/or parents online have a responsibility to model safe practice at all times.

Where a person aged 18 or over is in a position of trust<sup>8</sup> with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

*This means that staff and volunteers should not:*

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

## 2.6 Confidentiality

The storing and processing of personal information is governed by the General Data Protection Regulations UK (GDPR) and Data Protection Act 2018. Employers should provide clear advice to staff and volunteers about their

*This means that leaders/ the Trust / The School Standards Committee should:*

<sup>8</sup> *Sexual Offences Act 2003*

responsibilities under this legislation so that, when considering sharing confidential information, those principles are applied.

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

Staff and volunteers should never use confidential or personal information about a pupil//their 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 child's identity does not need to be disclosed, the information should be used anonymously.

There are some circumstances in which an employee or volunteer may be expected to share information about a child, for example when abuse is alleged or suspected. In such cases, individuals have a responsibility to pass information on without delay 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 or volunteer must always take any such concerns seriously and follow the school's procedures. Whilst staff and volunteers need to be aware of the need to listen to and support children and young people, they must also understand the importance of not promising a child or parent/carer that they will keep secrets that relate in any way to the safety or well-being of any individual but should give reassurance that the information will be treated sensitively.

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

Additionally, concerns and allegations about members of staff, volunteers or other adults working at or visiting the school should be treated as confidential and passed to the Headteacher (or the Chair of Governors, Academy Trust or LADO if the concerns are about the Headteacher) without delay.

- *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, if it cannot be reasonably expected that a practitioner will gain consent or if to gain consent would place a child at risk*

*This means that staff and volunteers:*

- *need to know the name of the DSL and their deputies and be familiar with Wrawickshire's Safeguarding, Child Protection procedures and guidance*
- *need to be clear about when information can/must be shared and in what circumstances*
- *are expected to treat information they receive about children and young people in a discreet and confidential manner*
- *should seek advice from a DSL if they are in any doubt about sharing information they hold or which has been requested of them*
- *need to know the procedures for responding to allegations against staff and volunteers 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*

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

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

Staff will sometimes have access to confidential information and they have a responsibility to deal with this in a professional manner. It is inappropriate for other staff to attempt to obtain access to confidential information from colleagues unless it is necessary for them to perform their professional duties.

## 2.7 Standards of behaviour

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

This includes the way in which staff and volunteers speak to pupils. A positive, respectful and encouraging tone should be used at all times. Where it is necessary to challenge inappropriate behaviour or to get pupils attention in the interests of keeping everyone safe and maintaining a safe environment, it is reasonable for staff and volunteers to raise their voices and/or use an authoritative tone. However, it is not appropriate for staff/volunteers to shout at pupils habitually or as a sanction or speak to them disrespectfully.

Staff and volunteers should never set out to cause a pupil to feel frightened, ashamed or humiliated. Admonishments should focus on behaviour rather than the pupil's personality or character and targets for desired behaviour should be described by the member of staff or volunteer.

Staff and volunteers should refer to pupils by name. Disrespectful nicknames, words and terms should be avoided. Staff and volunteers should exercise caution in referring to pupils by affectionate nicknames and more general terms of endearment or familiarity such as 'Dear, Love, Petal, Mate, Dude'.

Staff and volunteers should be aware that use of such terms might cause some pupils to feel confused and/or

*This means that staff and volunteers 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, sexualised remarks to or about a pupil*
- *use inappropriate language to, or in the presence of, pupils*
- *discuss their current or past personal or sexual relationships with, or in the presence of, pupils*
- *make, or encourage others to make, unprofessional personal comments - online or in person - which scapegoat, demean, discriminate against or humiliate anybody, or might be interpreted as such*
- *withhold information about any issues in respect of their relationships, associations or any other matters both within and outside of the school (including online) which may have implications for the safeguarding of children in school*
- *use personally owned mobile telephones or landlines, while working with children, in a manner that compromises the safety and wellbeing of children;*

uncomfortable, could be construed as being part of a grooming<sup>9</sup> process and as such will give rise to concerns about their behaviour.

If members of staff or volunteers choose to speak to pupils using such informal language, they should ensure it is not reserved for particular individuals in order to avoid any allegations of favouritism or concern about grooming behaviour. Staff and volunteers should be particularly careful not to refer to pupils using words that are specifically associated with grooming such as ‘Sweetheart, Princess, Angel, Darling’.

Staff and volunteers should understand and comply with the expectations of them in relation to their use of, and behaviour when using, telephones (both landline and mobile) when working with children on the school site and during offsite visits and residential.

There may be times when a staff member or volunteer’s behaviour or actions in their personal life come under scrutiny from the local community, the media or public authorities, including with regard to their own children, or children or adults in the community. Staff and volunteers should be aware that their behaviour (face to face or online), either in or out of the workplace, could compromise their position in the school 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. Misuse of drugs and/or alcohol, acts of violence, other criminal acts and inappropriate online behaviours such as threatening/ extremist/ misogynistic/ misandristic/ homophobic/ disrespectful/ discriminatory comments or posts; and anything indicating unsafe attitudes to children or adults or which undermines the school’s safeguarding culture would be examples of such behaviour.

The behaviour of an employee or volunteer’s partner or other family members may raise similar concerns and require careful consideration by the headteacher as to whether there may be a potential risk to children and young people in school.

KCSiE 2024 states 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.

*or in any way that contravenes this policy and/or any other school policy.*

*This means that staff and volunteers should:*

- *inform the headteacher or DSL of any cautions, convictions or relevant orders accrued and/or if they are charged with a criminal offence; and/or any matter which might have implications for the safeguarding of children in school during their employment*
- *be aware that behaviour, including online behaviour, by themselves, those with whom they have a relationship or association or others in their personal lives, may impact upon their work with children and young people*
- *inform the headteacher of any name changes which they have not previously declared.*

*This means that school leaders should:*

- *have a clear expectation that all staff and volunteers will discuss with the headteacher/ DSL 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 and volunteers 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*
- *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)*
- *define expectations of staff and volunteers in relation to the use of landline telephones and*

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<sup>9</sup> Grooming - the act of gaining the trust of a child so that some form of abuse or exploitation can take place



Staff are expected to inform the school in writing or in discussion with the headteacher about any such matter which might have implications for the safeguarding of children in school so that the school can safeguard the welfare of the member of staff, as well as pupils.

*The Childcare (Disqualification) Regulations 2018* set out grounds for disqualification under the *Childcare Act 2006* where an individual 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.

## 2.8 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 and volunteers should select a manner of dress and appearance appropriate to their professional role which may need to be different to how they dress when not at work. That also applies to online or virtual teaching or when working with smaller groups than usual on site and when working offsite.

Staff and volunteers should ensure they are dressed decently, safely and appropriately for the tasks and the work they undertake. Those who dress or appear in a manner which could be viewed as offensive, inappropriate or provocative will render themselves vulnerable to criticism or allegation.

*personally owned mobile phones while working with children.*

*Schools must not:*

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

*This means that staff and volunteers 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 in any way provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered discriminatory*
- *is compliant with professional standards*
- *in online engagement, is similar to the clothing they would wear on a normal school day*

## 2.9 Gifts, rewards, favouritism and exclusion

The giving of gifts or rewards to pupils should be in accordance with agreed practice, consistent with the school's *Behaviour Policy*, recorded and not based on favouritism. In some situations, the giving of gifts as rewards may be accepted practice for a group of children, whilst in other situations the giving of a gift to an individual child or young person will be part of an agreed plan, which is recorded and discussed with a school leader and parents/carers.

There may be specific occasions, such as when a pupil suffers a serious illness or accident, when staff or volunteers may wish to give a child or young person a gift. However, staff and volunteers need to be aware that the giving of gifts to pupils or their families could be interpreted by others as a gesture either to bribe or groom. It might also be perceived that a 'favour' of some kind is expected in return.

It is therefore recommended that when gifts are given in specific circumstances, they should be given by the whole staff group or by groups of staff (e.g. a department) or on behalf of the whole school, in line with the agreed policy, by agreement with a school leader; the action should be recorded.

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

Staff and volunteers should take care to ensure 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 may wish to pass small tokens of appreciation to staff and volunteers, e.g. as a thank you or to mark a special achievement, occasion or religious festival and this is usually acceptable. However, it is unacceptable for staff or volunteers to receive gifts on a regular basis or that are of any significant value.<sup>10</sup>

## 2.10 Infatuations and 'crushes'

All staff and volunteers need to recognise that it is not uncommon for a child or young person to be strongly attracted to an adult who works with them and/or develop a

*This means that staff and volunteers should:*

- *be aware of and understand the school/Academy Trust's policy on the giving and receiving of gifts and rewarding positive behaviour*
- *ensure that gifts received or given in situations which may be misconstrued are declared*
- *other than in exceptional circumstances, which must always be discussed and agreed with the DSL, only give gifts to an individual child 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 which concern children and young people are fair and that wherever practicable these are undertaken and agreed by more than one member of staff*
- *ensure that they do not behave in a manner which could be construed as either favourable or unfavourable to individual pupils*

*This means that staff and volunteers should:*

<sup>10</sup> See 2.383 for declaration of gifts.

‘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 or volunteer who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a child or young person has become, or may be becoming, infatuated with either themselves or a colleague, should immediately report this to the Headteacher<sup>11</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 Chair of Governors) should give careful thought to those circumstances where the staff member/volunteer, 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 pupil and staff member/volunteer and maintain the dignity of all. This plan should involve all parties, be robust and be regularly monitored and reviewed.

## 2.11 Social contact outside the workplace

Members of staff and volunteers should not establish or seek to establish social contact with pupils or their families for the purpose of securing a friendship or to pursue or strengthen a relationship.

However, it is acknowledged that staff and volunteers may have genuine friendships and social contact with parents/carers of pupils, independent of the professional relationship, such as when a parent and teacher are part of the same family/personal network or social/recreational circle. Those circumstances will usually be easily recognised, openly acknowledged and should be explicitly declared in writing by staff/volunteers to the Headteacher. Members of staff and volunteers should always take care to maintain appropriate personal and professional boundaries in any such circumstances.

Furthermore, staff and volunteers should 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.

- *record and report to the Headteacher or DSL any incidents or indications (verbal, written or physical) that suggest a pupil may have developed an infatuation with a member of staff or volunteer*
- *always acknowledge and maintain professional boundaries*

*This means that strategic leaders should:*

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

*This means that staff and volunteers should:*

- *inform the Headteacher or DSL in writing of any relationship with a parent/carer which extends beyond the usual parent/professional relationship and is likely to lead to social contact with a pupil or their parents/carers*
- *advise the Headteacher or DSL of any social contact they have with a child or her/his family, which may give rise to concern*
- *refrain from sending personal communications to pupils/students or their parents/carers unless agreed by a member of SLT*
- *report and record any situation, which may place a child at risk or which may compromise the school or their own professional standing*
- *be aware that the sending of personal communications such as birthday or faith cards should always be recorded and/or*

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<sup>11</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 or Trustees.

It is also important to recognise that social contact may provide opportunities for other types of grooming such as for the purposes of sexual exploitation or radicalisation.

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

Staff and volunteers should therefore be aware that social contact in certain situations could be misconstrued as grooming.

If a pupil/student or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff or volunteer should exercise her/his professional judgement in that moment in making a response but should always discuss the situation with the Headteacher as soon as possible, and, if advised to do so by the Headteacher, with the parents/carers of the child or young person.

This also applies to social contacts made through outside interests or the staff member/volunteer's own family.

Some members of staff may, as part of their professional role, be required to support a parent or carer, for instance when initiating an Early Help Assessment or supporting a parent who experiences difficulties in managing their child's behaviour or a personal crisis such as bereavement, domestic abuse or a relationship breakdown.

Care needs to be exercised in those situations where the parent/carer comes to depend upon the member of staff for support outside their professional role. This situation should be discussed with the headteacher and, where necessary, referrals made to the appropriate support agency.

## 2.12 Communication with pupils and their parents/carers, including the use of technology (Refer also to section 2.13)

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 safety 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.

- *discussed with their line manager*
- *understand that some communications may be called into question and need to be justified*
- *inform the Headteacher or DSL of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring*
- *consider the appropriateness of the social contact according to their role and nature of their work*
- *inform the DSL of any planned social contact with children or parents*

*This means that the school will:*

- *have in place an up-to-date Acceptable Use Policy (AUP) and online safety guidance*
- *continually review the school's Online Safety Policy and practice in the light of new and emerging technologies*
- *have a Communication Policy which specifies acceptable and permissible modes of communication between staff/ volunteers and pupils*

Communication with pupils/students, both in the ‘real world’ and through web-based and telecommunication interactions, such as when teaching virtually or remotely, should take place within clear and explicit professional boundaries. This includes the use of computers, tablets, phones, texts, emails, instant messages, social media such as Facebook, Twitter and Instagram, chat rooms, forums, blogs, gaming sites, websites, digital cameras, videos, webcams and other handheld devices.<sup>12</sup>

Staff/volunteers who communicate with pupils/students and their parents using email, telephone, text or social networking should only do so for professional purposes and by use of school accounts and school-owned ICT equipment. Emails to pupils/students should only be sent to the pupil’s/student’s school email address.

Staff and volunteers should not request or respond to any personal information from pupils/students or their parents other than that which may be necessary as part of 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 and volunteers should not seek contact with, or respond to requests for contact from, pupils/students or their parents via personal telephone, text, e-mail, social media accounts or via online gaming and should not therefore give their personal contact details to pupils/students or their parents e.g. email address, home or mobile telephone numbers, details of web-based identities. If pupils/students or their parents locate these by any other means and attempt to contact or correspond with a staff member or volunteer, the latter should not respond and must report the matter to their line manager. The pupil/student/parent should be firmly and politely informed that this is not acceptable.

Staff should, in any communication with children, also follow the guidance in *section 2.7 - Standards of behaviour*.

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

Email, text, social networking or online gaming communications between a member of staff or volunteer and a pupil/student/parent outside this policy and agreed protocols may lead to disciplinary and/or criminal investigations.

- provide school devices such as cameras and mobile phones for staff to use for agreed curriculum purposes and for recording school activities as agreed with school leaders and not expect staff/volunteers to use their own equipment (e.g. when on trips/ residential or in remote/virtual teaching).

*This means that staff and volunteers should:*

- follow the school’s Acceptable Use Policy and online safety guidance
- ensure that privacy settings are set at maximum on any social networking sites they use privately and that pupils/students and their parents /carers are never able to view the content or listed as approved contacts
- never use or access social networking sites of pupils/students or their parents/carers.
- not give their personal contact details to pupils/students or their parents/carers
- not seek to communicate/make contact or respond to contact with pupils/students or their parents/carers outside of the purposes of their work
- only use equipment, e.g. mobile phones and laptops provided by the school to communicate with pupils/students and their parents/carers, for approved professional purposes only, making sure that parents/carers have given permission for this form of communication to be used
- only make contact with pupils/students for professional reasons and in accordance with this policy and other school policies
- recognise that text messaging, using school devices and accounts, should only be used as part of an agreed protocol and when other forms of communication are not possible; and recognise that text messaging is rarely an

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<sup>12</sup> Given the ever-changing world of technology, please note that this list gives examples only and is not exhaustive.

School email and social networking accounts should only be used in accordance with the school's *Acceptable Use Policy*.

*appropriate response to a child in a crisis situation or at risk of harm*

- *not discuss or share data relating to children/parents/carers in staff or private social media groups*
- *ensure that their use of technologies could not bring the school into disrepute*

## 2.13 Use of technology for online/virtual teaching

This section provides further guidelines for staff and school leaders in relation to online and virtual teaching; and online/virtual communication with pupils and parents for teaching and/or welfare purposes.

*This means that strategic leaders should:*

The school will constantly review its online safety and acceptable use policies and amend those as necessary, ensuring that all staff involved in online/virtual teaching or the use of technology to contact pupils or parents for welfare or other approved professional purposes are briefed on best practice and any permanent or temporary changes to policy/procedures. The school will take account of DfE guidance in relation to the planning and delivery of online learning as well as nationally recognised guidance including *guidance from the UK Safer Internet Centre on safe remote learning and London Grid for Learning on the use of videos and livestreaming.*

- *regularly review updates and advice in statutory, sector-led and local guidance and from their online safety / monitoring software provider; reviewing and amending their online safety and acceptable use policies to reflect the current situation accordingly*
- *ensure that all relevant staff have been briefed and understand the policies and the standards of conduct expected of them*
- *have clearly defined operating times for virtual learning*
- *consider the impact that virtual teaching may have on children and their parents/carers/siblings*
- *determine whether there are alternatives to virtual teaching in 'real time' - e.g., using audio only, pre-recorded lessons, existing online resources*
- *be aware of the virtual learning timetable and ensure they have the capacity to join a range of lessons*

The school will request and obtain written consent from parents/carers including consent to record lessons and video conversations before staff communicate with children online.

*This means that staff and volunteers should:*

When selecting a platform for online/virtual teaching, the school will satisfy itself that the provider has an appropriate level of security. Staff will always use school-owned devices and accounts for the delivery of online/virtual lessons/tutorials and will contact pupils only via the pupil's school email address/log in. This ensures that the school's filtering and monitoring software is enabled.

- *adhere to the school's Staff Code of Conduct, Safeguarding Policy, ICT Acceptable Use Policy and Social Networking and Online Safety Policies at all times*
- *be appropriately dressed*
- *ensure that a senior member of staff is aware that the online lesson/ meeting is taking place and for what purpose*

In deciding whether to provide virtual or online learning for pupils, strategic leaders should take into account issues such as accessibility within the family home, the mental health and well-being of children, including screen time, the potential for inappropriate behaviour by staff or pupils, staff access to the technology required, etc. Virtual lessons should be timetabled and the headteacher and DSL should be able to drop into any virtual lesson at any time - the online version of entering a classroom for safeguarding purposes.

Where possible, applications that facilitate the recording of lessons will be used, subject to data protection and retention/storage guidelines; although it must be emphasised that recording virtual/online lessons and conversations per se does not prevent abuse. School leaders will randomly sample recorded lessons in order to safeguard pupils and staff and to ensure that policies are being followed.

When delivering online/virtual lessons on a one-to-one basis or communicating with individual children via video chat, staff will speak to parents/carers before lessons/conversations commence and when they finish before logging off. Parents/carers should be asked to ensure that a responsible adult remains in the room or in close proximity.

Staff delivering online/virtual teaching or communicating with children via video chat will be expected to display the same standards of dress and conduct that they would when working face to face in school, modelling appropriate behaviour and presentation to pupils and parents.

Below are other issues that staff need to take into account when delivering online/virtual lessons or communicating with children online, particularly where webcams are used:

- Staff and pupils must be appropriately dressed and wear suitable clothing, as should anyone else in the household;
  - Any computers used should be in living/communal areas and not in bedrooms; and the background used by staff should be nondescript or blurred. If it is not possible to blur the background, staff must consider what children can see in the background and whether it would be appropriate in a classroom. This includes photographs, artwork, identifying features, mirrors etc.
  - Staff must ensure that resources and videos used are age appropriate - in the event that a child feels distressed or anxious about content, they may not have support readily available at home;
  - Live classes should be recorded so that if any issues were to arise, the video can be reviewed;
  - Live classes will be kept to a reasonable length of time so that children do not have too much screen time and in order to minimise disruption for the family;
  - Language must be professional and appropriate, including that used by any family members in the background;
  - Staff must only use platforms specified by SLT and approved by the school's ICT lead for communication with pupils;
  - Staff should make a written record of the length, time, date and attendance of any sessions held;
  - Filters at a child's home may be set at a threshold which is different to that in use at the school.
- *avoid one to one situations - request that a parent/carer is present in the room for the duration or ask a colleague or member of SLT to join the session*
  - *only record a lesson or online meeting with a pupil where this has been agreed with the headteacher or other senior staff, and the pupil and their parent/carer have given explicit written consent to do so*
  - *be able to justify images of pupils in their possession*

*This means that staff and volunteers should not:*

- *contact pupils outside the operating times defined by SLT*
- *take or record images of pupils for their personal use*
- *record virtual lessons or meetings using personal equipment (unless agreed and risk assessed by SLT)*
- *engage online while children are in a state of undress or semi-undress*

*This means that the school should:*

- *ensure that the acceptable use of the internet, social media and mobile smart phones owned by members of staff and volunteers are all fully defined in the Acceptable Use Policy and/or policy on use of social networking and internet sites.*

It is the responsibility of the staff member to act as a moderator, raising any issues of suitability (of dress, setting, behaviour) with the child and/or parent/carer immediately and ending the online interaction if necessary. The staff member should make a written record of the incident and share it with the DSL or their line manager, depending on the nature of the incident.

If a staff member believes that a child or parent is recording the interaction, the lesson should be brought to an end or the child should be logged out immediately.

In **rare and exceptional circumstances** where staff urgently need to contact a pupil or parent/carer by telephone and do not have access to a school-owned device, they will discuss this with a member of SLT. If it is agreed there is no alternative to using a personally owned device, staff members will always use 'caller withheld' to ensure the pupil and/or parent is not able to identify the staff member's personal contact details.

## 2.14 Use of social media, personal websites and blogs by staff and volunteers on school premises, while on official duty and outside work

Staff and volunteers may choose to use social media, personal websites and blogs in a number of ways and for different purposes:

- For work-related purposes using school equipment and accounts either on school premises or offsite. Access to some journals, blogs and social networking sites is permitted for these purposes;
- For personal (i.e. not work related) purposes using personally owned devices and accounts during work time in the staffroom
- For personal (i.e. not work related) purposes using personally-owned devices outside work time.

All such usage is subject to this policy and the school's *Acceptable Use Policy* (AUP) and/or policy on use of social networking and internet sites, which may restrict or prohibit some of the above, not least to ensure that confidentiality and the school's reputation are protected.

The school respects employees' and volunteers' rights to a private life. However, staff who wish to set up personal web forums, websites or 'blogs' must do so outside of work and must not use school equipment for the purpose.

*This means that all staff and volunteers must:*

- *when accessing social media, websites, blogs etc:*
  - *always act in the best interests of the school*
  - *not make any defamatory remarks about the school, pupils, staff or volunteers, parents/carers, associated professionals or contractors or conduct themselves in any way that is detrimental to the reputation of the school*
  - *not disclose personal data or information about the school, pupils, staff or volunteers, parents/ carers, associated professionals or contractors that could breach the Data Protection Act 2018. For example, posting photographs or images of pupils or of colleagues without their permission.*



Any breach of these expectations may lead to disciplinary action.

- *when administering personal web forums, social media, websites, blogs etc:*
  - *refrain from identifying themselves as working for the school in a way which has, or may have, the effect of bringing the school into disrepute*
  - *not identify other school staff, volunteers or pupils*
  - *not allow pupils or their parents/carers to access their personal social networking accounts*
  - *when they are contacted by a pupil or parent/ carer via any such personal account, bring that to the attention of the headteacher at the earliest opportunity.*

## 2.15 Physical contact

There are occasions when it is entirely appropriate and proper for staff and volunteers to have some physical contact with pupils with whom they are working. However, it is crucial that adults only touch children in ways which are necessary and appropriate to their professional or agreed role and responsibilities and in relation to the pupil's individual needs and any agreed care plan.

There may be some occasions when staff or volunteers consider that a distressed child needing comfort and reassurance, requires physical contact. Younger children, in particular, may need immediate physical comfort, for example after a fall, separation from a parent etc. Staff and volunteers should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

However, it is important to emphasise that not all children and young people feel comfortable about 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 and volunteers 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 and volunteers should listen, observe and take note of the child's reaction or feelings and,

*This means that staff and volunteers should:*

- *be aware that even well-intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described*
- *never touch a child in a way which may be considered indecent*
- *always be prepared to report and explain actions and accept that all physical contact will be open to scrutiny*
- *not indulge in 'horse-play' or 'play-fighting'*
- *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*
- *not assume that all children want or need physical comfort if they are distressed*
- *wherever possible, avoid physical contact, including offering physical reassurance in one-to-one situations and always record such actions in those*

as far as is possible, use a level of contact and/or form of communication which is acceptable to the pupil.

Where a member of staff or volunteer has a particular concern about the need to provide comfort or reassurance that includes physical contact, or is concerned that an action may be misinterpreted, this should be reported and discussed with the DSL or headteacher, who will make a judgement about when and how to inform parents/carers. It is important that staff and volunteers take particular care when working with a pupil on a one-to-one basis. Unless absolutely necessary for the child's needs to be met and/or to keep them safe, physical contact with children should be avoided in one-to-one situations.

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

Any physical contact should be in response to the 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 member of staff or volunteer or represent a misuse of authority. If a member of staff or volunteer believes that their action, or that of a colleague, could be misinterpreted, or if an action is observed which is possibly abusive, the incident and circumstances should be reported immediately to the Headteacher and a Yellow (white) Form should be completed. Where appropriate, the Headteacher should consult with the LADO.

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. Staff and volunteers need to be aware that the child may associate physical contact with such experiences. They should also recognise that these pupils may seek out inappropriate physical contact.

In all circumstances where a child or young person initiates inappropriate physical contact with a member of staff or volunteer, it is the responsibility of the adult to sensitively deter the child and help them understand the importance of personal boundaries. Careful consideration must be given to the needs of the pupil and care must always be taken to ensure that contact is not exploited in any way. Such circumstances must always be reported and discussed with the Headteacher or DSL and, following consultation with the Headteacher, also discussed with the parent/carer.

*circumstances*

- *always tell a line manager/SLT member 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 physical 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 always be sensitive to issues of gender*
- *understand that physical contact in some circumstances can be easily misinterpreted*

*This means that the school should:*

- *ensure it has a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by a senior leader*
- *make adults aware of relevant professional or organisational guidance in respect of physical contact with children and meeting medical needs of children and young people where appropriate*
- *be explicit about what physical contact is appropriate for adults working in the school*
- *provide staff on a 'need to know' basis with relevant information about vulnerable children in their care*

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.

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

## 2.16 Other activities that may require physical contact

Members of staff and volunteers who work in certain curriculum areas such as PE, drama, music, technology or outdoor activities may need to initiate some physical contact with pupils, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a pupil so they can perform an activity safely or prevent injury. Such activities should be carried out in accordance with existing regulations and best practice. Guidance and protocols around safe and appropriate physical contact may be provided, for example, by sports’ governing bodies or major arts organisations and should be understood and applied consistently.

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 or level of understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by a pupil.

Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the Headteacher 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

*This means that staff and volunteers should:*

- *treat pupils with dignity and respect and avoid contact with intimate parts of their bodies*
- *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 informed consent because of communication difficulties or a 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 or religious issues which may need to be considered prior to initiating physical contact*

*This means that the school should:*

- *have in place up to date guidance and protocols on appropriate physical contact which promote safe practice and include clear expectations of behaviour and*

contact may also prevent allegations of misconduct or abuse arising.

## 2.17 Intimate/Personal care

All schools should have intimate/personal care protocols in place which ensure that the health, safety, independence and welfare of children are promoted and that their dignity and privacy are respected. Arrangements for intimate and personal care should be open and transparent and accompanied by robust 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, another appropriate adult who is aware of the task to be undertaken should always be in the vicinity, have a line of sight to the child and/or be able to hear the interaction. 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.

The emotional responses of any child to intimate care should be carefully and sensitively observed and, where necessary, any concerns passed to senior leaders and/or parents/carers.

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 when the pupil and staff members 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. Any changes to the care plan should be made in writing and without delay, even if the change in arrangements is temporary, e.g. staff shortages, changes to staff rotas etc.

Intimate and personal care should not be carried out by an adult that the child does not know. Anyone undertaking intimate/personal care in an education setting is in regulated activity and must have been checked against the relevant DBS barred list, even if the activity only happens once. That includes volunteers. No member of staff, including

*conduct*

- *ensure that staff are made aware of this policy and that safe practice is continually promoted through supervision and training*

*This means that the school should:*

- *have written care plans in place for any pupil who could be expected to require intimate care*
- *update intimate/personal care plans in writing where appropriate e.g. because there are staffing/rota changes etc.*
- *ensure that pupils are actively consulted about their own care plan*
- *ensure that intimate/personal care is provided by staff known to the child*
- *ensure that only individuals that have been checked against the relevant DBS barred list are permitted to engage in intimate or personal care*
- *ensure that any member of staff, including temporary or visiting staff and any volunteer required to undertake intimate and personal care procedures, has received appropriate training.*

*This means that staff and volunteers should:*

- *adhere to the school's intimate and personal care guidelines*
- *make other staff aware of the task being undertaken*
- *always explain to the pupil what is happening before a care procedure begins*
- *consult with strategic leaders and parents/carers where any variation from the 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*

volunteers and visiting staff from other schools, should undertake intimate and personal care procedures without appropriate training.

Pupils are entitled to respect and privacy at all times and especially when in a state of undress, including, for example, when changing, toileting, showering or undertaking any form of personal care. 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 pupil concerned and sensitive to the potential for embarrassment.

When supervising children or young people who are in the course of dressing or undressing as part of curriculum activities such as PE, dance or drama; or while engaged in a residential visit, staff and volunteers need to seek a balance between safeguarding pupils, for instance by ensuring that bullying does not take place, while respecting pupils entitlement to privacy when changing and in a state of undress. Staff should therefore announce their intention of entering a changing room or dormitory, maintain a brisk and business-like presence but avoid lingering in the room, looking at pupils and any form of physical contact with a pupil while they are in a state of undress.

## 2.18 Behaviour management

All children and young people have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour. Corporal punishment and smacking are unlawful in all schools.

Staff and volunteers should not use any form of degrading treatment to punish a pupil. The use of sarcasm, demeaning or insensitive comments towards children and young people and any approach to behaviour management that seeks to persuade children to conform as a result of feeling shame and/or humiliation, is unacceptable.

Staff should understand the importance of challenging inappropriate behaviours between children and young people, including child-on-child sexual violence and sexual harassment. Downplaying certain behaviours by, for example dismissing sexual harassment as ‘just banter’, ‘just having a laugh’, ‘part of growing up’, ‘boys being boys’ or ‘girls being girls’ can lead to a culture of unacceptable behaviours, an unsafe environment for children and, in worst case scenarios,

- where pupils are using changing rooms or sleeping accommodation, announce their intention of entering, maintaining a brisk and business-like presence while respecting pupils’ entitlement to privacy when changing and/or in a state of undress
- always consider the supervision needs of the pupil and only remain in the room where their needs require it.

*This means that staff and volunteers should not:*

- change or use the toilet in the presence or sight of pupils
- shower with pupils
- allow any adult to assist with intimate or personal care without confirmation from senior leaders that the individual is not barred from working in regulated activity and has received appropriate training
- assist with intimate/personal care task which a child or young person can undertake independently.

*This means that staff and volunteers should:*

- not use force as a form of punishment
- try to diffuse 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 which may impact on a pupil’s behaviour e.g. bullying, abuse, exploitation and where necessary, take appropriate action
- follow the school’s Behaviour 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

a culture that normalises abuse, leading to children accepting it and not coming forward to report it.

Where pupils display difficult or challenging behaviour, staff and volunteers must follow the school's *Behaviour*, using strategies appropriate to the circumstance and situation as set out in that policy, which will be widely publicised and regularly reviewed.

The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other strategies to support the child to regulate their emotions and behaviour have failed.

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

The strategic leadership team should ensure that the school's *Relationships* or *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.

## 2.19 Use of physical intervention

There are some circumstances in which adults working with children displaying extreme behaviours can legitimately intervene by using either non-restrictive or restrictive physical interventions. This is a complex area and staff, volunteers and the school must have regard to government guidance and legislation and local safeguarding partnership/ LA guidance as well as the school's relationship/behaviour and safeguarding policies.

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

- committing a criminal offence
- injuring themselves or others
- causing damage to property
- causing disorder.

Great care must be exercised in order that adults do not physically intervene in a manner which could be considered unlawful. Staff should also be mindful of the significant

*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
- Be clear about the school's policy and procedures with regard to child-on-child abuse
- reassure victims of child-on-child abuse that they are being taken seriously and that they will be supported and kept safe, never giving a victim the impression that they are creating a problem by reporting abuse, sexual violence or sexual harassment and never causing them to feel ashamed for making a report.

*This means that the school should:*

- have in place a safe *Relationships* or *Behaviour Policy* that is not based on persuading children to conform by causing them to feel shame and/or humiliation
- where appropriate, develop positive handling plans in respect of individual pupils

*This means that the school should:*

- ensure it has a lawful policy in relation to restrictive physical intervention as part of its wider *Relationships* or *Behaviour Policy* that is consistent with local *Safeguarding Partnership* and government guidance and legislation; and which describes the context in which it is appropriate to use physical intervention
- regularly acquaint staff with that 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, which allows for incidents to be tracked and monitored

impact that physical intervention may have on a child with special educational needs or disabilities.

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 and will be reported and investigated in line with Physical Intervention Policy.

When physical intervention is used it should be undertaken in such a way that maintains the safety and dignity of all concerned.

Where the school judges that a child's behaviour presents a serious risk to themselves or others, a robust risk assessment, which is reviewed regularly, must always be put in place.

Similarly, where it can be anticipated that physical intervention is likely to be required, individual care plans, drawn up in consultation with parents/carers and where appropriate, the pupil, should set out the strategies and techniques to be used and those which should be avoided. Parental consent does not permit settings to use unlawful physical intervention or deprive a pupil of their liberty.

Should a member of staff or volunteer identify the need to search a pupil because the pupil/student may have a prohibited item in their possession, the search must be conducted in accordance with statutory guidance and the *Child Protection and Safeguarding Policy*. Staff/volunteers may confiscate any item that is prohibited, harmful or detrimental to school discipline. Authorised searches may include the pupil's outer clothing, pockets, possessions, desks or lockers, but staff/volunteers must not require a pupil to remove any clothing other than outer clothing.

In all cases where physical intervention occurs, staff and volunteers are required to record the incident and subsequent actions should be documented and reported to the headteacher or DSL, who will ensure that the child's parents/carers are informed on the same day. Records must include written and signed accounts of all those involved, including the pupil. The parents/carers should be informed on the same day.

## 2.20 Sexual conduct

Any sexual behaviour by a member of staff or volunteer with or towards a pupil is unacceptable.

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

*This means that staff and volunteers should:*

- *adhere to the school's Physical Intervention Policy*
- *always seek to diffuse situations and avoid the use of physical intervention wherever possible*
- *where physical intervention is necessary, only use minimum force for the shortest time needed*
- *record and report as soon as possible after the event any incident in which physical intervention has been used*

*This means that staff and volunteers should not:*

- *use physical intervention as a form of punishment*

*This means that members of staff and volunteers should:*

- *not engage in any sexual activity or have any form of sexual contact with a pupil from the school*
- *avoid any form of touch or*

and understanding. This includes the prohibition of sexual activity with children by adults in a position of trust. It is an offence for a member of staff in a position of trust to engage in sexual activity with a pupil/student under 18 years of age<sup>13</sup>.

Any sexual activity between a member of staff or volunteer with a pupil/student, irrespective of the latter's age, will always be regarded as a grave breach of trust, possibly criminal and a matter for disciplinary action.

Sexual activity involves physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. *Working Together to Safeguard Children* states that sexual abuse "involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening".

A member of staff or volunteer allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

All members of staff and volunteers should therefore clearly understand the need to maintain appropriate boundaries in their contacts with children and young people.

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 that relationship so sexual abuse can take place. All staff and volunteers should undertake appropriate training so they are fully aware of those behaviours that may constitute grooming and of their responsibility always to report to the headteacher any concerns about the behaviour of a colleague which could indicate that a pupil/student is being groomed.

Staff and volunteers should also therefore be aware that conferring inappropriate special attention and favour upon a pupil/student might be construed as being part of a grooming process and as such will give rise to concerns about their behaviour.

## 2.21 One-to-one situations (Face-to-face and online/virtual)

Staff or volunteers, including visiting staff from external organisations, working on a one-to-one basis with pupils may also be more vulnerable to allegations or complaints being made against them. Alongside that, It should also be

*comment which is, or may be considered to be, indecent*

- *not have sexual relationships with children or young people*
- *not have any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative or give rise to speculation e.g. verbal comments, phone calls, physical contact, letters, notes (in writing or via text, email or social media)*
- *not make sexual remarks to, or about, a child/young person*
- *not discuss sexual matters with or in the presence of children or young people other than within agreed curriculum content or as part of their recognised job role*
- *ensure that their relationships with pupils/students clearly take place within the boundaries of a respectful professional relationship*
- *take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when members of staff are dealing with adolescents.*

*This means school leaders should:*

- *ensure that risk assessments for all one-to-one working situations are in place and communicated*

<sup>13</sup> *Sexual Offences Act 2003*: abuse of a position of trust



recognised that one-to-one situations have the potential to make a pupil more vulnerable to harm by any adult seeking to exploit their position of trust. One-to-one situations have the potential to make a child/young person more vulnerable to harm by those who seek to exploit their position of trust.

Both possibilities should be recognised so that in the event of unavoidable one-to-one situations, reasonable and sensible precautions are taken. It is not realistic to state that one-to-one situations should never take place. Some children's needs mean that they require one-to-one support with the opportunity to focus on their learning with as little distraction as possible and therapeutic interventions such as play therapy and counselling generally take place on a one-to-one basis.

However, where there is a legitimate need for an adult, including external staff, to work on a one-to-one basis with a pupil which has been identified and agreed with a senior leader and/or parents/carers, certain procedures and explicit safeguards must be in place. These might include, for example, staff and volunteers working on a one-to-one basis in visible areas; in rooms with doors left open; in alcoves/corridors which afford some quiet and privacy but facilitate other adults passing by periodically; and ensuring that all rooms and areas in which one-to-one work might take place have observation windows. Where blinds are fitted on windows, these should remain open at all times. Every attempt should be made to ensure the safety and security of pupils and the staff and volunteers who work with them.

To safeguard both pupils and adults, a risk assessment in relation to the specific nature and implications of the one-to-one work should always be undertaken. Each assessment should take into account the individual needs of each pupil; safety arrangements for the pupil and adult; and should be agreed and reviewed regularly. Wherever possible, there should be a fully recorded discussion between the member of staff and their manager as to the reasons for this.

Staff and volunteers should maintain an awareness of any areas of the school, times or situations which may place themselves or pupils in vulnerable situations and should report any vulnerability identified to the DSL and/or Headteacher.

Arranging to meet with pupils from the school away from the premises should not be permitted unless the necessity for this is clear and approval is obtained from the Headteacher or other senior colleague with delegated authority, the pupil and their parents/carers.

In the event of school closures, such as in the instance of a pandemic, the DfE suggests that if there is only one

effectively to members of staff involved, parents/carers and the pupil

- *keep pupil numbers under constant review*
- *ensure that risk assessments and emergency procedures are reviewed in the event of lone working and/or very small numbers on site*
- *liaise with the LA about suitable alternative provision if the school needs to close due to very low pupil numbers*

*This means that staff and volunteers should:*

- *work one-to-one with a child only when absolutely necessary (both in person and online) and with the knowledge and consent of senior leaders and parents/carers*
- *be aware of relevant risk assessments, policies and procedures with particular reference to all relevant sections of this policy, the relationships or behaviour policy and the acceptable use policy for ICT*
- *ensure that wherever possible there is visual access and/or an open door in one-to-one situations*
- *ensure that when lone working is an integral part of their role, full and appropriate risk assessments have been conducted and agreed*
- *avoid meetings with a child or young person in remote, secluded areas*
- *always inform other colleagues and/or parents/carers about the contact(s) beforehand, assessing the need to have them present or close by*
- *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 child becomes distressed, anxious or angry to a senior colleague*
- *carefully consider the needs and circumstances of the pupil when in one-to-one situations*
- *ensure prior to any online learning. That there are clear*

vulnerable child in school, the school should consider closing and liaise with the local authority to identify alternative provision, e.g. at a local hub school. If the school must remain open with only one or two children, there should be more than one member of staff to meet fire safety, first aid, supervision and other emergency procedures.

## 2.22 Home visits

All work with pupils and parents should usually be undertaken in the school or other recognised workplace. However, there are occasions when it is necessary to make one-off or regular home visits in response to urgent or planned situations, or in relation to specific job roles.

In occasional and/or exceptional circumstances, staff may be asked to undertake welfare visits. The school will operate in accordance with advice from the DfE, Warwickshire Safeguarding team, the Local Authority and/or CAT when deciding whether such home visits are necessary and desirable in children's best interests. Staff will normally undertake home visits with a colleague. Parents/carers will be given advance notice of proposed home visits unless there is good reason not to, e.g. because the visit has been prompted by safeguarding concerns and/or is at the request of Children's Social Care. In these cases, one of the staff undertaking the visit will be the Designated Safeguarding Lead (DSL) or a Deputy DSL. The purpose of the visit should be clarified and staff should be aware of the circumstances in which emergency services or partner agencies should be contacted.

When undertaking home visits, it is essential that appropriate policies and related risk assessments are in place to safeguard both pupils and members of staff who work with them, all of whom can be more vulnerable in these situations.

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 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 against them. e.g. hostility, child protection concerns, complaints or grievances. Specific thought should be given to visits outside of 'school' or 'office' hours or in remote or secluded locations. Following the assessment, appropriate risk management measures should be in place before the visit is undertaken. In the

*expectations of behaviour and conduct of all parties, which have been agreed in advance*

*This means that staff and volunteers should:*

- *agree the purpose for any home visit with the Headteacher or DSL, unless home visits are an acknowledged and integral part of their role, e.g. Attendance Officer, Home/School link workers*
- *have a clear understanding of the actions that should be taken if it is believed that a child or parent is at immediate risk of harm, including when to contact emergency services and/or partner agencies*
- *adhere to agreed risk assessments and management strategies*
- *avoid unannounced home visits wherever possible*
- *ensure there is visual access and/or an open door in one-to-one situations*
- *in the event of a pandemic, observe current government/ Public Health guidance in relation to social distancing at all times*
- *except in an emergency, never enter a home without the parent or carer's consent or when the parent/carer is absent*
- *always make detailed records, including times of arrival and departure and work undertaken*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate, action is taken*
- *ensure that children are seen in open and observable spaces; e.g. living rooms*
- *comply with data protection regulations in relation to any personal information carried, or*

unlikely event that little or no information is available, visits should not be made alone.

Where a programme of work is to be undertaken in the pupil's home, an appropriate workspace should be provided and a written work plan/contract should be agreed with the pupil and parent/carer. This should include: clear objectives; content; timing; duration of sessions; ground rules; child protection and confidentiality statements. The plan should take into account the preferences of both the pupil and parent/carer. There should also be an agreement that the parent/carer or other suitable adult will remain in the home throughout the session.

Where the situation is such that changes in agreed work arrangements are required, a quick assessment will be necessary to determine if the session can continue. The Headteacher or line manager should then be informed as soon as is practically possible. Emergency situations should be reported to the Police or Children's Social Care and to the Headteacher/parent as appropriate.

If, in an emergency, such a one-off arrangement is required, the member of staff or volunteer must have a prior discussion with a senior leader and the parents or carers and a clear justification for such an arrangement must be agreed and recorded.

Under no circumstances should a member of staff or volunteer visit a pupil in their home outside agreed work arrangements and no pupil should be in or invited into the home<sup>14</sup> of an employee or volunteer or that of a family member, colleague or friend unless the reason for that has been firmly established and agreed with parents/carers and the Headteacher.

A written record of any such agreement should be maintained in the school. Examples might include situations where a pupil is part of a member of staff/volunteer's extended family; or the member of staff/volunteer has an established social relationship with the pupil's parents/carers.

## 2.23 Transporting pupils

In certain situations staff or volunteers may be required, or offer, to transport pupils as part of their work. As with 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>15</sup>

*notes made about, the child and/or family*

- *never make a home visit outside agreed working arrangements*
- *be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations*

*This means that the school should:*

- *ensure that they have home visit and lone-working policies, of which all staff and volunteers are made aware. These should include arrangements for risk assessment and management*
- *have robust risk assessment and management arrangements to ensure staff are protected*
- *ensure that policies reflect any procedures or guidance issued by Warwickshire Safeguarding Team, or the local authority in relation to undertaking home visits*
- *ensure that all home visits are justified and recorded*
- *ensure that staff understand the purpose and limitations of all home visits, including welfare visits*
- *ensure that staff and volunteers are not exposed to unacceptable risk*
- *ensure that staff and volunteers have access to a school-owned mobile telephone and an emergency contact person*
- *make clear to staff and volunteers that, other than in an emergency, they should not enter a home if a parent/carer is absent*

*This means that staff and volunteers should:*

- *plan and agree transport arrangements with all parties in advance*
- *respond sensitively and flexibly where any concerns arise*

<sup>14</sup> This includes any home or domestic settings used or frequented by the adult

<sup>15</sup> See also <https://www.gov.uk/government/publications/health-and-safety-advice-for-schools>

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>16</sup>.

Staff and volunteers should not offer lifts to pupils/students unless the need has been agreed by the Headteacher and/or the DSL. A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties that may arise.

Wherever possible and practicable transport should not be undertaken in private vehicles, with at least one additional adult acting as an escort. Where there is a need for a member of staff to transport pupils/students in their own vehicle and/or to be alone in any vehicle with pupils/students, those arrangements should be checked and agreed with the Designated Safeguarding Lead in advance except in cases of extreme emergency, such as where a pupil's/student's health and wellbeing are likely to be significantly jeopardised unless they are transported immediately.

It is a legal requirement that all passengers wear seat belts and it is the responsibility of the staff member who is driving the vehicle to ensure that this requirement is met. Staff and volunteers should also be aware of and adhere to current legislation regarding the use of appropriately fitted car seats/booster seats for smaller children.

Staff and volunteers should ensure that their behaviour is safe and that the transport arrangements and any vehicle used to transport pupils 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 and volunteers should never offer to transport pupils/students outside of their normal working duties, other than in an emergency or where not doing so would mean the child might be at risk. In those circumstances the matter should be recorded and reported to the Designated Safeguarding Lead, the member of staff/volunteer's line manager and the child's parent(s) at the earliest possible opportunity. 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/students.

- *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 their judgement and/or ability to drive*
- *ensure that if they need to be alone with a pupil, e.g. in an emergency, this is for the minimum possible time*
- *be aware that the safety and welfare of the pupil who they are transporting is their responsibility until they are 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 and business cover insurance as required by the insurance company for the nature of the transporting activity undertaken*
- *ensure that arrangements to provide any lifts on an impromptu or emergency basis are recorded and can be justified*
- *refer to local and national guidance for educational visits*

*This means that the school should:*

- *have appropriate policies for transporting pupils*
- *seek evidence that:*
  - *all privately owned vehicles used to transport pupils are safe. This means that the driver holds a valid MOT certificate, where relevant, that the driver certifies the vehicle 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*

<sup>16</sup> OEAP updated guidance (July 2018) <https://oeapng.info/3618-transporting-young-people-in-private-cars/>

- 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

## 2.24 Educational visits, trips, outings and after-school activities

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>17</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 staff, 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 out.

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

Staff and volunteers should take particular care when supervising pupils on trips and outings, where the setting is less formal than the usual workplace. Staff and volunteers remain in a position of trust and need to ensure that their

*This means that staff and volunteers should:*

- adhere to the school's Educational Visits Policy
- refer to local and national guidance for educational visits (both to the UK and abroad)
- always ensure another member of staff or volunteer is present during offsite activities/trips/residentials, unless otherwise agreed with the DSL
- undertake and work in accordance with risk assessments in line with the school's policy
- have written parental consent to the activity
- ensure that their behaviour remains professional and is compliant with this policy at all times
- never share a bed with a pupil
- not share bedrooms with pupils there is a dormitory situation or it is necessary in order to meet a child or children's specific needs; there is no practicable alternative; there are always at least two members of staff present; and the arrangements have been previously discussed with the DSL, parents/carers and pupils unless the party is placed in the situation unexpectedly

<sup>17</sup> Guidance is also available from the Outdoor Education Advisers' Panel <http://oeapng.info/>

behaviour remains professional at all times, stays within clearly defined professional boundaries and could not be interpreted as seeking to establish an inappropriate relationship or friendship.

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

Before all overnight stays, there should be a robust written briefing, which must include sleeping arrangements for pupils and staff; supervision arrangements when children are getting dressed and undressed and are asleep; the management of any unanticipated situations in which a member of staff or volunteer finds themselves working one-to-one with a pupil and reporting arrangements, including any safeguarding and whistleblowing issues.

## 2.25 First Aid and administration of 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>18</sup>.

In emergency or exceptional circumstances, such as partial closure or a pandemic, if a school has no trained first aider, it is the responsibility of school leaders and/or the employer to identify a senior person on site each day to lead on any crisis or serious incident, including the provision of first aid. This decision should be supported by a risk assessment that takes into account the number of staff, children, and all other visitors on site, the proximity of emergency services, any particular risks presented, etc. Risks should be minimised as much as possible, for example, by not undertaking high risk or adventurous activities. Depending on the ages of the children accessing the provision, there may need to be at least one person trained in paediatric first aid at all times when children are on site.

*This means that the school will:*

- *ensure there are trained and named individuals to undertake first aid responsibilities, including paediatric first aid if relevant*
- *in exceptional circumstances, if there is no member of staff available who has completed 'first aid at work' training, identify a senior person to be responsible each day*
- *review and update first aid, medicines in school and crisis/emergency policies and relevant risk assessments*
- *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.*
- *always ensure that arrangements are in place to obtain parental consent for the administration of first aid or medication*

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<sup>18</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.

Staff should receive sufficient and suitable training and achieve the necessary level of competence 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 their medical condition effectively in school and should include information about the medicine to be administered, the correct dosage and any storage requirements.

When administering first aid, wherever possible, staff and volunteers should ensure that another adult is present, or aware of the action being taken.

After discussion with parents, children who are competent should be encouraged to take responsibility for managing their own medicines and procedures. This could include for example, the application of any ointment or sun cream, use of inhalers or auto-adrenaline injectors (EpiPens).

If a member of staff or volunteer is concerned or uncertain about the amount or type of medication being given to a pupil, provided by a parent/carer or prescribed, 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 staff and for ensuring they are suitable to work with children. Where necessary, a risk assessment should be undertaken, which is likely to recommend that staff medication brought onto the premises must be stored securely and out of reach of children at all times.

## 2.26 Photography, videos and other images

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 or volunteers be expected or allowed to use their personal equipment to take or store images of pupils at or on behalf of the school, including during educational visits, residential trips and other off-site activities such as sports events. That includes the

*This means that staff and volunteers should:*

- *adhere to the school's policies for health and safety, supporting pupils with medical conditions and administering first aid or medication*
- *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 interests*
- *report and record any administration of first aid or medication*
- *not work with pupils whilst taking medication unless medical advice confirms that they are able to do so*

*This means that staff and volunteers should:*

- *adhere to the school's policy in relation to the creation and storage of images of pupil; and the use of personally owned telephones when working with children*
- *only publish images of pupils where they and their parent/carer have given explicit*

use of any device which can be used for taking/recording images, e.g. cameras, mobile or smart phones, smart watches, tablets, web-cams etc.

Whilst images of children 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 grooming or exploitative purposes including the creation of illegal indecent images of children. 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 and volunteers should therefore 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 will 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 school have access.

For the protection of pupils, the following guidelines must be followed when using images for the purposes of publicising the school:

- 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
- it must be established 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.

Staff and volunteers should familiarise themselves with any guidance issued by their local Multi-Agency Safeguarding Partnership or local authority.

*written consent for the school to do so*

- *only take images when 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, using equipment owned by the school*
- *ensure that the DSL is aware that the photographic/ image capturing 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*
- *report any concerns about any inappropriate or intrusive photographs found to the Headteacher*

*This means that staff and volunteers should not:*

- *take images of pupils for their personal use*
- *display or distribute images of pupils unless they are sure that the school has parental consent (and where appropriate, consent from the child) to do so*
- *take images of pupils using any equipment not provided or authorised by the school to take, record and store images of pupils*
- *take images of children in a state of undress or semi-undress or which could be considered as indecent or sexual*
- *take images 'in secret' or take images in situations that may be construed as being secretive*
- *take images of a child's injury, bruising or similar (e.g. following a disclosure of abuse) even if requested to do so by children's social care*
- *make audio recordings of a child's disclosure*

*This means that the school will:*

- *ensure that a robust policy in respect of the taking, recording, storage and publication of images of pupils that is compliant with Warwickshire Safeguarding team is in place and that staff and volunteers are*



- *fully briefed about its contents*
- *have in place clear online safety policies in respect of access to and use of the internet*
- *make guidance available to staff, volunteers and pupils about appropriate usage*

## 2.27 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. The Trust and the School Standards Committee should ensure that the school has appropriate filtering and monitoring systems in place and regularly review their effectiveness. The DSL is responsible for ensuring that relevant staff and volunteers have an awareness and understanding of the provisions in place, manage them effectively and know how to escalate concerns when identified. Staff and volunteers working directly with pupils need to ensure that all internet-enabled ICT equipment used by pupils has appropriate filtering and monitoring restrictions to minimise the likelihood of access to inappropriate material.<sup>19</sup>

Staff and volunteers should keep their passwords confidential, should educate pupils to do the same. Staff should not allow unauthorised access to equipment.

Under no circumstances should members of staff or volunteers use equipment belonging to the school to access any form of pornography. Personal equipment containing pornography or links to it should never be brought into or used in the school. This will raise serious concerns about the suitability of the adult to continue working with children and young people.

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

If indecent images of children are discovered on the school premises or on school equipment, an immediate referral will be made to the LADO and the Police will be contacted. The images/equipment should not be tampered with in any way; images and equipment will be secured and isolated from the network. There should be no attempt to investigate the

*This means that the Trust and the SSC should:*

- *ensure members of SLT have clearly assigned roles and responsibilities to manage filtering and monitoring systems*
- *ensure filtering and monitoring systems are reviewed at least annually*

*This means that school leaders should:*

- *ensure that harmful and inappropriate content is blocked without unreasonably impacting on teaching and learning*
- *ensure staff and volunteers have an awareness and understanding of the provisions in place and know how to escalate concerns*

*This means that staff and volunteers should:*

- *follow the school's acceptable use and online safety policies*
- *ensure that children cannot be exposed to indecent or inappropriate images*
- *ensure that any films or material shown to pupils are age-appropriate*

<sup>19</sup> To support schools to meet the requirement for them to assess online risk under the Prevent Duty, the Department for Education has published these [digital filtering and monitoring standards](#).

matter or to view or delete the images as this could lead to the contamination of evidence, could jeopardise necessary criminal action and could place that member of staff at potential risk of prosecution themselves.

If the images are of children known to the school, a referral will be made to children's social care.<sup>20</sup>

## 2.28 Personal living accommodation

As stated above, staff should generally not invite any pupils into their homes unless the reason for doing so has been firmly established and agreed with the headteacher 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 activities such as discussion of reports, academic reviews, tutorials, pastoral care or counselling. School leaders 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 homes. Neither should they be asked to do so by friends or family of any employee or volunteer.

*This means that staff and volunteers should:*

- *be vigilant in maintaining their privacy*
- *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*
- *be mindful of the need to maintain appropriate personal and professional boundaries*
- *not ask pupils to undertake jobs or errands for their personal benefit*

## 2.29 Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of a political or otherwise 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 may be 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 pupils

*This means that staff and volunteers should:*

- *have clear written lesson plans and ensure content is appropriate to the children's age and cognitive development*
- *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 lesson plans*

*This means that staff and volunteers should not:*

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<sup>20</sup> Further advice regarding how school staff should respond when finding indecent images of children can be found at: <https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

questions requires careful judgement and, in these circumstances, staff should be mindful of this policy (particularly section 2.7) and, where necessary, seek guidance from the DSL.

Care should also be taken to comply with the school's policy on spiritual, moral, social and cultural (SMSC) aspects of the curriculum which should promote fundamental British values and be rigorously reviewed to ensure it is lawful and consistently applied. Staff should also take care when introducing sensitive topics which may prove upsetting to students, providing advance warning wherever possible.

Staff should also comply at all times with the school's 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 relationships education or the National Curriculum for Science).

## 2.30 Whistleblowing and the duty to report concerns

Whistleblowing is the mechanism by which staff and volunteers can voice their concerns, made in good faith, without fear of repercussion. Community Academies Trust has a clear and accessible *Whistleblowing Policy* that meets the terms of the *Public Interest Disclosure Act 1998*. Staff and volunteers who use the whistleblowing procedures should be made aware that their employment rights are protected.

In relation to whistleblowing concerning an allegation of abuse by a member of staff or volunteer or any breach of this policy of a safeguarding nature, staff and volunteers must comply with section 2.32 below.

Staff and volunteers should recognise their individual responsibilities to bring matters of concern, including low-level concerns, about any breaches of this *Code of Conduct*, to the attention of the Headteacher and/or relevant external agencies, including the LADO when appropriate, and that to not do so may constitute a failure in fulfilling professional responsibilities to safeguard children and promote their welfare.

Whistleblowing equally applies to relationships between staff and this is dealt with in the policy.

- *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*
- *discuss aspects of their own personal and/or sexual relationships with pupils*

*This means that the school will:*

- *ensure that an appropriate Whistleblowing Policy is in place and shared with staff and volunteers*
- *ensure that a clear procedure for dealing with allegations against staff and volunteers which is in line with the Warwickshire Safeguarding team procedure for the management of allegations is in place*

*This means that the Trust will:*

- *ensure that the Whistleblowing Policy is reviewed/amended as necessary during exceptional circumstances, e.g. partial closure as in the COVID-19 pandemic*
- *include in the Whistleblowing Policy how to escalate concerns if they believe that safeguarding arrangements in the school are not effective, or a child/children is/are not being protected*

*This means that staff and volunteers should:*

- *report any behaviour by colleagues, or any other adult*

*working with children in the school, that raises concern, to the Headteacher using [state local procedure e.g. a yellow (white) form]*

- *escalate their concerns by reporting directly to the LADO if they believe a child or children is/are not being protected or where they have concerns about the Headteacher's response*

## 2.31 Sharing and recording allegations and low-level concerns

In order to safeguard and protect pupils and colleagues, by maintaining the school as a safe environment for children and young people to learn and staff to work in, **all** staff and volunteers, including agency/external staff are expected to report any breach of this *Staff Code of Conduct* by colleagues, volunteers or agency/external staff - including what may seem to be minor contraventions, or 'low-level' concerns - to the Headteacher without delay, in line with the school's child protection procedures. In the event of concerns about the Headteacher breaching this *Code of Conduct* or abusing a child, the Chair of Governors should be contacted without delay.

That duty is not restricted to, but includes, specific allegations being made or incidents being witnessed, by any person, of abuse perpetrated by any member of staff, volunteer or other adult who works with children and young people at or on behalf of the school.

The recommended format for all staff to use to record any low-level concern, poor practice or possible child abuse by colleagues or other adults who work with children the pro forma '*Logging A Concern about the behaviour of an adult who works with children*', also known as the 'Yellow (white) form'. All such forms should be passed directly to the headteacher. Alternatively, staff are free to approach the headteacher directly to discuss their concerns.

Staff and volunteers should inform the headteacher about any allegation, low-level concern or breach of this *Code of Conduct* at the earliest possible opportunity and by the end of the working day on which the concern arose at the latest. However, in the events that a concern is not reported by the end of the working day, staff and volunteers are expected to act in accordance with the principle that it is never too late to report a concern in order to keep children safe.

The headteacher is responsible for ensuring that there is a written record of all allegations and low-level concerns

*This means that staff and volunteers should:*

- *be familiar with the school's system for recording concerns both about children and the behaviour of adults who work with children*
- *know how to contact the LADO, the LA's Education Lead 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 workplace*

*This means that the school:*

- *should have an effective, confidential and accessible system for recording and managing concerns raised by any individual regarding adults' conduct (including all low-level concerns) and any allegations against staff and volunteers*

reported to them, creating that record themselves when necessary in relation to any concerns reported verbally. All such written records must include the time and date when the report was made.

In the event of the Headteacher being absent or unavailable for some reason (including times of school closure or partial closure), staff should contact the Chair of Governors and/or take advice from the LADO or LA's Education Lead.

Similarly, in the event that a member of staff feels the Headteacher or Chair of Governors has not taken their legitimate concerns seriously, they should escalate their concerns by contacting the Chair of Governors and/or take advice from the LADO, the CAT Safeguarding Lead or the LA's Education Lead.

In the event of any allegation being made to a member of staff or volunteer other than the Headteacher, information should be clearly and promptly recorded and reported to the Headteacher without delay.

Members of staff and volunteers should always 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.

## 2.32 Responding to an allegation that meets the harm threshold and to low-level concerns

All reports of breaches of this *Code of Conduct* including low-level concerns and all specific allegations of abuse by staff, volunteers and other visiting professionals will be taken seriously and properly investigated in accordance with school, local inter-agency child protection procedures and statutory guidance.

The headteacher will consider all such reports to determine whether they meet the 'harm threshold' or should be treated as a low-level concern. Where it is clear that an allegation meets the harm threshold, the headteacher will inform the LADO within one working day and act in accordance with the advice from the LADO thereafter. In the event of any uncertainty as to whether a concern meets the harm threshold, the headteacher will consult and take advice from the LADO.

In some circumstances, the LADO will advise that the matter can be managed by the school internally as a low-level concern. That may require informal management advice being given to the member of staff and/or may necessitate an internal investigation, possibly subject to the Trust's Staff

*This means that the Headteacher will:*

- *Speak to the person reporting the concern to gather all the relevant information*
- *Speak to the individual about the concern raised to ascertain their response, unless advised not to do so by the LADO, Police or HR advisor*
- *When necessary, make arrangements for further investigation to be carried out to gather all relevant information. This may involve speaking to potential witnesses*
- *Review all information reported and gathered to determine whether the reported behaviour:*
  - *Took place - if not, no further action is required*

Disciplinary Policy. In all such circumstances, and when responding to low-level concerns without the need to consult the LADO, the headteacher will take advice from the CAT HR and may seek legal advice as necessary.

Staff who are subject to allegations are advised to contact their professional association or Trade Union.

The individual making an allegation or reporting a low-level concern will be named in the written record. Where that individual requests to remain anonymous, that will be respected as far as possible. However, there may be circumstances when this is not possible, such as where the report could only have been made by one person, where a fair disciplinary investigation is needed or where a later criminal investigation is required.

Concerns that are deemed to be low-level concerns will not be included in references unless a concern or group of concerns has been deemed by the LADO to meet the harm threshold and found to be substantiated.

- *Took place but does not constitute a breach of this Code of Conduct - no further action is required*
- *Constitutes a breach of this policy, but does not require formal disciplinary action - in which case, no further action, informal management advice and/ or additional training, guidance or support may be required to address the behaviour. The employee should understand that failure to improve or a repeat of their behaviour may lead to further action being taken*
- *Is serious enough to warrant discussion or further discussion, with the LADO*
- *When considered in the context of other low-level concerns previously reported about the same individual, should be re-classified as an allegation and referred to the LADO or Police. A referral will then be made to the LADO and advice taken from HR*
- *Ensure detailed records are made of all conversations with the individual about whom concerns have been raised, any witnesses, the LADO, CAT HR and any other professionals such as the Police; decisions made, the rationale for them and any action taken.*

## 2.33 Tutoring of school pupils

### 2.33.1 INDEPENDENT TUTORING

Members of staff and volunteers who undertake tutoring outside school on a self-employed basis should ensure that they do not tutor children from their own classes as this would be a conflict of interest and a potential blurring of professional boundaries. Members of staff must seek approval from the Headteacher if they wish to undertake tutoring of children from within their school and must ensure they have the parents’/carers’ consent. It may be appropriate for staff and volunteers to offer independent tutoring to pupils at the school on school premises on a self-employed basis at lunch times or outside school hours for subjects not available through the regular curriculum such as music tuition, dance or minority interest sports, subject to written approval by the headteacher, written parental consent and compliance by the staff member with this *Code of Conduct* at all times.

Staff members must also inform the Headteacher if they undertake additional employment outside school, including tutoring children who attend different schools. They must also ensure they have parental/carer consent.

### 2.33.2 ONE-TO-ONE TUITION

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

## 2.34 Professional behaviour

Staff members must not misuse or misrepresent their position, qualifications or experience or bring the reputation of the school into disrepute. Such behaviour may lead to disciplinary action and in the case of a teacher's professional misconduct may lead to a referral to the *Teaching Regulation Agency* (TRA). Serious safeguarding related allegations against teachers that are upheld will be referred to the *Disclosure and Barring Service* (DBS).

## 2.35 Criminal actions

School employees must inform the Headteacher (Chair of Governors and Trustees if the employee is the Headteacher) immediately if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution. The Headteacher or Chair will discuss the situation with the employee in the context of their role and responsibilities in order to help safeguard children, other employees at the school and the school's reputation.

## 2.36 Declaration of interests

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

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

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

## 2.37 Probity of records and other documents

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

this will be investigated as a potential allegation of gross misconduct and the employee may be dismissed and referred to the Police.

## 2.38 Financial inducements

### 2.38.1 FINANCIAL REGULATIONS FOR SCHOOLS

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

### 2.38.2 BUSINESS CONTACTS

"Business contact" refers to any person, body or organisation with which the school is involved on a financial or charitable basis (including contractors; developers; consultants; regional or national charities). This also includes business contacts who are potential suppliers (e.g. they are tendering for future business).

### 2.38.3 DECLARATION OF GIFTS

Any gifts that are received should be declared in writing on the Register of Gifts and Hospitality pro forma, with the exception of those items specifically identified in sections below. This document will remain available for inspection by Community Academies Trust internal audit team and external auditors, as necessary.

### 2.38.4 GIFTS OR HOSPITALITY TO AN EMPLOYEE

Where a business contact offers a personal gift, personal payment or other incentive such as secondary employment to an employee, these should not be accepted and should be returned with a suitable official letter. Such offers should be declared to the Trust and recorded in the Register of Gifts and Hospitality.

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

The only exceptions to these are:

- Low cost, functional items suitable for business use rather than personal use and displaying the supplier's logo e.g. diaries, calendars and pens. These items may be accepted and do not have to be included in the Register of Gifts and Hospitality.
- Gifts offered by parents or pupils to school staff to express their thanks, such as boxes of chocolates. However, only gifts with an individual value of £25 or less may be accepted. Such gifts do not have to be declared in writing to the Trust or be included in the Register of Gifts and Hospitality. For the avoidance of doubt employees must always refuse gifts of money.

Where hospitality in the form of meals and drinks is offered by a business contact, this is only acceptable where it forms part of a normal business meeting (for example, refreshments at training events or meals at evening meetings). Offers of hospitality to specific events, such as a dinner or sporting event, should only be accepted after authorisation from the Trust. These would normally only be approved where there is a clear and demonstrable benefit to the school and the hospitality



would not expose the school to criticism that the business contact was exerting undue influence. These should be recorded in the Register of Gifts and Hospitality.

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

#### 2.38.5 GIFTS OR HOSPITALITY TO THE SCHOOL

Where a business contact sends a gift to the school (for example, a stationery supplier sending a gift), these should not be accepted and should be returned to the supplier. Such offers should be declared to the Trust and recorded in the Register of Gifts and Hospitality.

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

#### 2.38.6 USE OF SCHOOL CONTACTS

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

### 2.39 Other employment

Subject to paragraph 2.33.1 above, employees are permitted to take up secondary employment outside the school, as long as the activity does not constitute a conflict of interest, adversely affect their primary employment at the school or exceed the legal maximum working week of 48 hours as defined by the Working Time Regulations. The secondary employment must be undertaken outside the working hours of the employee's normal post and employees are required to keep the Headteacher (School Standards Committee if the employee is the Headteacher) informed of their employment at other organisations.

### 2.40 Health and safety

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

This includes taking immediate safety action in a potentially harmful situation (either at school or off-site) by complying with statutory and school guidelines, including completing risk assessments where appropriate, and collaborating with colleagues, agencies and the Local Authority.

### 2.41 Use of alcohol and illegal drugs

The taking of illegal drugs or alcohol during working hours is unacceptable and will not be tolerated. All staff are expected to attend work without being under the influence of alcohol or illegal drugs and without their performance being adversely impacted by the consumption of alcohol or illegal drugs. If alcohol or drug usage impacts on an employee's working life, the school has the right to

discuss the matter with the employee and take appropriate action (disciplinary/capability procedures), having considered factors such as the school or Trust's reputation and public confidence in the school and the employee.

## 2.42 Use of school premises, equipment & communication systems

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

This includes photocopying facilities, stationery and premises. It also applies to access provided for remote use (e.g. hand-held portable devices etc.) and to staff working outside of school premises and using their own IT equipment.

Illegal, inappropriate or unacceptable use of school equipment or communication systems may result in disciplinary action and in serious cases could lead to an employee's dismissal. This list is not exhaustive and includes:

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

Staff receiving inappropriate communication or material or who are unsure about whether something he/she proposes to do might breach this policy should seek advice from their Headteacher.

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

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

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

## Appendix 1 – Related reading

The following are some of the key documents and policies referenced above and should be read alongside this *Staff Code of Conduct*.

- Behaviour Policy
- Child Protection and Safeguarding Policy
- Driving at Work Policy
- Disciplinary Procedures
- Gifts, Hospitality and Anti-Bribery Policy
- Health & Safety Policy
- Home Visits Policy
- Lone Working Policy
- Online Safety Policy
- Acceptable Use Policy
- Whistleblowing Policy
- *Academies Financial Handbook*
- *Teachers' Standards*
- *Keeping Children Safe in Education 2024*
- *Working Together to Safeguard Children 2023*

