Heathcote Primary School

STAFF BEHAVIOUR POLICY (CODE OF CONDUCT) FOR ALL STAFF AND VOLUNTEERS IN SCHOOLS 2021

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Signed by Chair of Governors	**September 2021**

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For further information, please contact your line manager, HR provider

or the **MASH Education Lead on 01926 418608** or MASHeducationlead@warwickshire.gov.uk.

Section 1: Overview

1.1 Introduction

This Code of Conduct is the school's Staff Behaviour Policy (Code of Conduct) as required by statutory guidance *Keeping Children Safe in Education* (DfE 2021). It is a core component of the school's strategy to fulfil its statutory responsibilities to safeguard and promote the welfare of all pupils/students. The Code of Conduct is referred to throughout the document as 'the Code'.

All employees and volunteers have personal and legal responsibilities that are wider than their safeguarding responsibilities, including 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 also set out in the Code and should be fully observed by all staff and volunteers, including the Headteacher/ Principal, Senior Management team and any volunteers permitted to work in the school/setting.

Employees and volunteers should ensure they are familiar with other specific policies that underpin these expectations, which are referred to as "Required Reading" throughout the Code.

1.2 Definitions

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

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

The term 'allegation' may be interpreted to include any breach of or failure to comply with this code but will always include behaviour that would warrant referral to the Designated Officer (DO) in the Local Authority (formerly known as the LADO[1]). Please refer to 1.3 below for criteria for referral to the Designated Officer.

[1] Working Together 2018 refers to the Designated Officer. Agencies in Warwickshire continue to refer to the LADO (Local Authority Designated Officer).

1.3 Purpose of the Code of Conduct

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

The Code seeks to ensure that the responsibilities of school and education settings 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 Code apply and should be followed by any person whose work brings them into contact with children.

The Code 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/setting may refer to the Code 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 Code, or which directly contravene the Code. 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/setting which

support safeguarding and these should be explained to them as part of staff induction and in regular staff training sessions. That includes this Code and the school's safeguarding and child protection 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 Code 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. However, allegations may also be false or misplaced and may arise from differing perceptions of the same event. When they occur, they are inevitably distressing and difficult for all concerned. It is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them do so safely.

The Designated Officer (DO) in the Local Authority (formerly known as the LADO[2]) will be informed within one working day of all allegations that a member of staff or volunteer has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.
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1.4 Compliance with the Code of Conduct

The Code forms part of an employee's contract of employment. Failure to comply with it and with the associated school policies as highlighted in 'Required Reading' may result in disciplinary action being taken where breaches of the Code warrant such action.

The Code should be provided for all staff and volunteers (either electronically or by providing a paper copy) to read before they commence work at the school or setting. Before having any contact with pupils, all staff and

[2] Working Together 2018 refers to the Designated Officer. Agencies in Warwickshire continue to refer to the LADO (Local Authority Designated Officer).

volunteers should be given an opportunity to discuss the Code with a member of the school leadership team and ask any questions in order to clarify understanding. They should then be asked to sign a pro forma to confirm that they have read, understood and agree to comply with the Code.

All employees 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.

1.5 Background

All adults who come into contact with children in their work whether paid or unpaid have a duty of care[3] 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 and colleges to carry out their duties 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[4] (DfE2018) and *Keeping Children Safe in Education*[5] (DfE 2021) 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'.

The Code has due regard to current legislation and statutory guidance.

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

Staff and volunteers must be familiar with the school's child protection & safeguarding policy and whistle blowing 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 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 Executive Headteacher** using yellow forms Concerns about the conduct of the Executive Headteacher should be referred to the Chair of Governors, Board of Trustees or

[3] 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.
[4] Working Together to Safeguard Children - A guide to interagency working to safeguard and promote the welfare of children - DfE 2018
[5] Keeping Children Safe in Education - statutory guidance for schools and colleges – DfE 2021.

Academy Trust. Such referrals can also be made directly to the Designated Officer in the Local Authority (formerly known as the LADO). Please refer to section 31 'Sharing concerns and recording incidents'.

If, at any point, there is a risk of immediate serious harm to a child a referral should be made to the Multi-Agency Safeguarding Hub (MASH) or – in extreme circumstances – 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.

1.7 Underpinning Principles

- The welfare of the child is paramount.[6]
- Staff and volunteers should understand their responsibilities to safeguard and promote the welfare of pupils.
- 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.
- 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 and sexual orientation.
- 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/setting's child protection and safeguarding policy, arrangements for managing allegations against staff, staff behaviour policy, whistle blowing procedure and the local inter-agency safeguarding procedures established by the local multi-agency partnership Warwickshire Safeguarding

[6] Children Act 1989

Section 2: Code of Safe Working Practice and appropriate professional conduct

1. Context

All adults who work with children and young people have a crucial role to play in their lives. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring. 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.

This means that this Code:

- *applies to **all** adults working in all education and early years settings, whatever their position, role, or responsibilities*

COVID-19 – DfE guidance issued during the COVID-19 pandemic makes it very clear that whilst acknowledging the pressure that schools and colleges are under, it remains essential that as far as possible they and other education settings continue to be safe places for children. This guidance has been updated to support all adults who work in education settings to maintain the safest possible learning and working environments which safeguard children and reduce the risk of staff being falsely accused of improper or unprofessional conduct at times when they may be called upon to work in different ways from the norm, e.g. delivering lessons virtually or online and working with small groups of children in 'bubbles' .

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 are having to review and amend guidance rapidly and repeatedly.

In that situation more than ever before, 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, officer in charge or line manager of the justification for any such action already taken or proposed.

This means that employees and volunteers should:

- *inform their headteacher, officer in charge, designated safeguarding lead or line manager immediately of any situation or action taken that is in contravention of any school/ setting policy and the reasons/ justification for taking that action*

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 managers. This includes the school's safeguarding and child protection policy, this staff behaviour policy (or code of conduct) and the online safety/acceptable use policy.

This means that Managers/ Proprietors/ Governing Bodies should:

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

2. **'Unsuitability'**

The guidance contained in this Code 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/setting. Adults whose practice deviates from this Code may bring into question their suitability to work with children and young people. The guidance may be used as reference by managers and the Designated Officers in the Local Authority when responding to allegations made against *or concerns about the behaviour of* staff in education and early years settings.

This means that employees and volunteers should:

- *have a clear understanding about the nature and content of this Code*
- *discuss any uncertainties or confusion with their line manager*
- *understand what behaviours may call into question their suitability to continue to work with children and young people*

3. **Duty of Care**

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.

Whether working in a paid or voluntary capacity, those adults have a responsibility to keep children and young people safe and to protect them from sexual, physical and emotional harm, neglect and contextual safeguarding concerns including sexual and criminal exploitation. 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 a school or setting 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 an education or early years setting, 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.

This means that employees and volunteers should:

- *understand the responsibilities that 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*
- *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 employers should:

- *promote a culture of openness and support*
- *ensure that systems are in place for concerns to be raised*
- *ensure that adults are not placed in situations which render them particularly vulnerable*
- *ensure that all adults are aware of expectations, policies and procedures*
- *ensure that this Code of Conduct 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 polices and procedures*
- *ensure all employees and volunteers have access to and understand this Code and related policies and procedures*

Legislation also imposes a duty on employees[7] to take care of themselves and anyone else who may be affected by their actions or failings. Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of this guidance.

- *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*

This means that Managers/ Proprietors/ Governing Bodies 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 the absence of a trained DSL*

4. **Making professional judgements**

This guidance cannot provide a complete checklist of what is or is not appropriate behaviour for employees and volunteers in all circumstances. It does highlight, however, behaviour which is illegal, inappropriate or inadvisable. There will be rare occasions and circumstances in which employees or volunteers have to make decisions or take action in the best interests of a pupil/student 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/students 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 a senior 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 employees and volunteers should:

- *discuss the circumstances that informed their action, or their proposed action, with a senior manager or, where appropriate, the school's Designated Safeguarding Lead. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- *always discuss any action which could be misinterpreted, misunderstanding, accident or threat with the Headteacher or Designated Safeguarding Lead.*
- *always record discussions and actions taken with their justifications.*
- *record any areas of disagreement about a course of action taken and, if necessary, refer to another agency/the LA/DO/Ofsted/ TRA/ other regulatory body*

[7] Health and Safety at Work Act 1974 Part I, Section.7

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 a school are in positions of trust in relation to those children.

The relationship between an adult working with a child/ren 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 children and young people means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Employees and volunteers should always maintain appropriate professional boundaries and avoid behaviour which could be misinterpreted by others. They should report and record any such incident. 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. Please also see sections 12 & 13.

Where a person aged 18 or over is in a specified position of trust with a child under 18, it is an offence[8] 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 employees 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/students*
- *use their status and standing to form or promote relationships with children or young people which are of a sexual nature or which may become so*

6. **Confidentiality**

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

Employees 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 interests of the child or young person. Records should only be shared with those who have a legitimate professional need to see them.

Employees and volunteers should never use confidential or personal information about a pupil or her/his family for their own, or others' advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the child.

This means that Managers/ Proprietors/ Governing Bodies should:

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

This means that employees and volunteers:

- *need to know the name of their Designated Safeguarding Lead and be familiar with WSB child protection procedures and guidance*

[8] Sexual Offences Act 2003

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 duty to pass information on without delay but only to those with designated safeguarding responsibilities or to statutory services.

If a child – or their parent / carer – makes a disclosure regarding abuse or neglect, the member of staff or volunteer should follow the school/setting's procedures. Whilst employees 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 keep it confidential he or she should seek guidance from the Designated Safeguarding Lead. Any media or legal enquiries should be passed to senior management.

Additionally, concerns and allegations about adults should be treated as confidential and passed to the Headteacher or Principal (or the Chair of Governors, Board of Trustees, Academy Trust or DO if the concerns are about the Headteacher or Principal) without delay.

There are circumstances in which staff are obliged to release pupil data, e.g. parents seeking information about pupil progress or 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/principal.

- *are expected to treat information they receive about children, young people and families in a discreet and confidential manner*
- *should seek advice from a Designated Safeguarding Lead if they are in any doubt about sharing information they hold or which has been requested of them*
- *need to be clear about when information can/must be shared and in what circumstances*
- *need to know the procedures for responding to allegations against staff and 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*

7. **Standards of Behaviour**

All employees 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 means that employees 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*

This includes the way in which staff and volunteers speak to pupils and each other. A positive, respectful and encouraging tone should be used at all times. Everyone has the right to work and be in a safe environment. Where it is necessary to challenge inappropriate behaviour or to get pupils' attention, it is reasonable for staff and volunteers to raise their voices and/or use an authoritative tone. However, it is not appropriate for employees/volunteers to shout at pupils or other adults habitually or speak to them disrespectfully or to exclude them from conversations or make them feel uncomfortable or unwanted.

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

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

Employees and volunteers should be aware that use of such terms might cause some pupils/students to feel confused and/or uncomfortable, could be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

If members of staff or volunteers choose to speak to pupils/students 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/students using words that are specifically associated with grooming such as 'Sweetheart, Princess, Angel, Darling'.

Employees 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 residentials.

There may be times when an employee or volunteer's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities, including with regard to their own children, or children or adults in the community. This could be because their behaviour is considered to compromise their position in the school/setting or indicates an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

- *make, or encourage others to make sexual remarks to, or about, a pupil or other adult*
- *use inappropriate language to or in the presence of pupils*
- *discuss their personal or sexual relationships with or in the presence of pupils*
- *make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, 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; or in any way that contravenes this code and/or any other school policy*

This means that employees and volunteers should:

- *inform the headteacher/principal or specified person 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*

This means that school leaders should:

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

Employees and volunteers should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than the work setting. That includes behaviours on social media websites and other online behaviours.

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

Employees and volunteers should be aware that any such behaviour, either in or out of the workplace, could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the school/setting into disrepute. Such behaviour may also result in prohibition from teaching by the Teaching Regulation Agency (TRA), a bar from engaging in regulated activity, or action by another relevant regulatory body.

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

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

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/students.

- *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 employees and volunteers in relation to the use of landline telephones and personally owned mobile telephones while working with children*

Schools must not:

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

8. **Dress and Appearance**

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However, employees and volunteers should select a manner of dress and appearance appropriate to their professional role and those 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.

Employees and volunteers should ensure they are dressed decently, safely and appropriately for the tasks and 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. The school's dress code for employees and volunteers is as follows:

- Smart and appropriate to the classroom.
- Skirts/dresses should be of an appropriate length and not above the top of the thigh
- Low cut tops should be considered carefully
- Tops which show midriff are not to be worn.
- Jeans are not to be worn in the workplace unless otherwise advised e.g. non-uniform days/staff training.
- Clothing with inappropriate slogans, lettering or pictures must not be worn in school or on school trips.
- Footwear should be appropriate to the task e.g. trainers for PE lessons. Staff/volunteers should ensure they can move safely about the workplace in their choice of footwear.
- Staff who are teaching sports should change into appropriate sports clothing and only wear it when teaching PE or accompanying children to sporting events.

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

9. **Gifts, rewards, favouritism and exclusion**

The giving of gifts or rewards to pupils/students should be in accordance with agreed practice, consistent with the school or setting'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 senior manager and parents/carers.

There may be specific occasions, such as when a pupil/ student 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 could be interpreted by others as a gesture

This means that employees and volunteers should:

- *be aware of and understand the school's relevant policies, e.g. rewarding positive behaviour and the giving and receiving of gifts*
- *ensure that gifts received or given in situations which may be misconstrued are declared and recorded*
- *generally, 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*

either to bribe or groom[9]. 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 vocational department) or on behalf of the whole school, in line with the agreed policy, by agreement with a senior manager and the action should be recorded.

Staff and volunteers should exercise care when selecting children and/or young people 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 children, young people or parents may wish to pass small tokens of appreciation to staff and volunteers, e.g. to mark a special achievement, occasion or religious festival or as a thank you 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.

See 37.3-37.5 for declaration of gifts.

- *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 is or could be construed as either favourable or unfavourable to individual pupils*

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 '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[10]. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt,

This means that employees and volunteers should:

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

This means that senior managers should:

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

[9] grooming' – the act of gaining the trust of a child so that some form of abuse or exploitation can take place.

[10] If the headteacher has the concern that a young person is becoming infatuated with them, they should report this to the chair of governors.

embarrassment or distress for those concerned.

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

11. **Social Contact outside of the workplace**

Members of staff and volunteers should not establish or seek to establish social contact with pupils/students or their families for the purposes 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/students, 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/ Principal. 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.

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 or their families could be perceived as harmful or exerting inappropriate influence on children and may bring the school/setting 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.

This means that employees and volunteers should:

- *inform senior management 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 pupils or their parents/carers*
- *advise senior management of any social contact they have with a pupil or her/his family which could give rise to concern*
- *refrain from sending personal communication to pupils or parents unless agreed with senior managers*
- *report and record any situation, which may place a child at risk or which may compromise the school/setting 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 discussed with their line manager.*
- *understand that some communications may be called into question and need to be justified.*
- *inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring*

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 making a response but should always discuss the situation with their manager and, if advised to do so by their manager, with the parent 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 staff and volunteers 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 comes to depend upon the member of staff for support outside their professional role. This situation should be discussed with senior management and, where necessary, referrals made to the appropriate support agency.

12. **Communication with children, young people and their parents/carers (including the use of technology)** (please also refer to section 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.
Communication with children both in the 'real' world and through web based and telecommunication interactions 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 and Twitter, chat-rooms, forums, blogs, websites, gaming sites, digital cameras, videos, web-cams and other handheld devices. NB Given the ever-changing world of technology it should be noted that this list gives examples only and is not exhaustive.

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 should only be sent to the pupil/student's school Email address.

Staff should not request or respond to any personal

This means that the school will:

- *have in place an up to date Acceptable Use Policy (AUP)*
- *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/students*
- *provide school devices such as cameras and mobile phones and not expect staff/volunteers to use their own equipment (e.g. on school trips and residentials)*

This means that employees and volunteers should:

- *follow the school/setting's Acceptable Use Policy (AUP) 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 are listed as approved contacts*

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

Staff and volunteers should not seek contact with or respond to requests for contact from pupils/students or their parents via personal telephone, text, Email or social networking accounts and should not therefore give their personal contact details, e.g. Email address, home or mobile telephone numbers, details of web-based identities to pupils/students or their parents. 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 pupils/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 7 'Standards of Behaviour'.

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

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

School Email and social networking accounts should only be used in accordance with the school's policy.

- *never use or access social networking sites of pupils 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 or their parents/carers outside of the purposes of their work*
- *only use equipment, e.g. mobile phones, and internet services provided by the school/setting to communicate with pupils/ students and their parents/ carers, making sure that parents/carers have given permission for this form of communication to be used*
- *only make contact with children for professional reasons and in accordance with this Code and other school policies*
- *recognise that text messaging 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 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/setting school/setting into disrepute*

13. **Use of technology for online/virtual teaching**

The narrative of section 12 remains relevant. However, there has been a sharp increase in the use of technology for remote learning since March 2020 and 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.

The school will constantly review its online safety and acceptable use policies and amend those if necessary, ensuring that all staff involved in online/virtual teaching or the use of technology to contact pupils or parents are briefed on best practice and any permanent or temporary changes to policy/procedures. The school/setting 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*.

This means that senior leaders should:

- *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,*

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.

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

In deciding whether to provide virtual or online learning for pupils, senior leaders should take into account issues such as accessibility within the family home, the mental health and wellbeing 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/ students 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/students 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 children must be fully dressed and wear suitable clothing, as should anyone else in the household.
- Any computers used should be in appropriate areas, for example not in bedrooms; and the background used by staff should be blurred. If it is not possible to blur the background, staff must consider what *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*

This means that employees and volunteers should:

- *adhere to their establishment's staff behaviour, safeguarding and ICT acceptable use policies*
- *be fully dressed*
- *ensure that a senior member of staff is aware that the online lesson/ meeting is taking place and for what purpose*
- *avoid one to one situations – request that a parent 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 adults should not:

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

This means that staff and volunteers should:

- *act in accordance with the school's ICT acceptable use policy (AUP) and/or Policy on Use of Social Networking and Internet Sites*

This means that the school should:

- *ensure that the acceptable use of the internet, social media and mobile smart telephones owned by members of staff and volunteers are all fully defined in the AUP and/or Policy on Use of Social Networking and Internet Sites*

children can see in the background and whether it would be appropriate in a classroom. This includes photographs, artwork, identifying features, mirrors etc.

- Staff will 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 senior managers and approved by the school's ICT manager/co-ordinator for communication with pupils/students
- 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/setting.

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 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 by telephone and do not have access to a school-owned device, they will discuss this with a senior member of staff. 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.

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

There are a number of ways in which staff and volunteers may use social media, personal websites and blogs 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 school equipment and accounts either on school premises or offsite;
- For personal (i.e. not work related) purposes using personally owned devices and accounts during work time;
- For personal (i.e. not work related) purposes using personally owned devices outside work time.

All such usage is subject to 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, and this Code.

The school must ensure that confidentiality and its reputation are protected. Therefore, in all uses (both school and personally owned) of social media, websites, blogs etc., all staff and volunteers must:

- always act in the best interests of the school;
- not make any defamatory remarks about the school; pupils/students; staff or volunteers; parents/ carers; associated professionals or contractors; or conduct themselves in way that is detrimental to the reputation of the school;
- must not disclose personal data or information about the school; pupils/students; 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/students or colleagues.

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

In addition to the above expectations, employees and volunteers using personal social media accounts, websites, web forums or 'blogs' must:

- 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 employees, volunteers or pupils;
- not allow pupils/students or their parents/carers to access their personal social networking accounts;
- when they are contacted by a pupil or parent/ carer, bring that to the attention of the headteacher/principal at the earliest opportunity.

Any breach of these expectations may lead to disciplinary action.

15. **Physical contact**

There are occasions when it is entirely appropriate and proper for staff and volunteers to have physical contact with pupils/students with whom they are working. However, it is crucial that they 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. Young 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, so 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 a senior manager, 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/student on a one-to-one basis.

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 an action by them or a colleague could be

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 'horseplay' or 'fun fights'*
- *always allow/encourage children, 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 seek physical comfort if they are distressed*
- *wherever possible, avoid offering physical reassurance in one to one situations and always record such actions in those 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 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 senior management*
- *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*

misinterpreted, or if an action is observed which is possibly abusive, the incident and circumstances should be reported immediately to the headteacher/principal and an appropriate record made. Where appropriate, the headteacher/principal should consult with the Designated Officer in the Local Authority (LADO).

- *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*

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, it is the responsibility of the adult to deter the child sensitively and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with the headteacher/principal and the parent/carer.

Where a child seeks or initiates inappropriate physical contact with a member of staff or volunteer, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the pupil/student and advice and support given to the member of staff or volunteer concerned.

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/student 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.

16. **Other activities that require physical contact**

Members of staff and volunteers who work in certain curriculum areas, such as PE, drama, music or outdoor activities, may need to initiate some physical contact with pupils/students, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a pupil/student so they can perform an activity safely or prevent injury. Such activities should

This means that staff and volunteers should:

- *treat pupils/students with dignity and respect and avoid contact with intimate parts of their bodies*
- *always explain to a pupil/student the reason why contact is necessary*

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/student. Contact should be relevant to their age and level of understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil/student.

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/students informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

17. **Intimate /personal care**

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

Pupils/students 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 managers and/or parents/ carers.

A signed record should be kept of all intimate and personal care tasks undertaken and, where these have been carried

and what form that contact will take
- *seek consent of parents where a pupil/student is unable to give informed consent because of communication difficulties or a disability*
- *consider alternatives, where it is anticipated that a pupil/student 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 that may need to be considered prior to initiating physical contact*

This means that the school/setting 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 conduct*
- *ensure that staff are made aware of this Code and that safe practice is continually promoted through supervision and training*

This means that the school/setting should:
- *have written care plans in place for any pupil who could be expected to require intimate care*
- *update care plans in writing where appropriate; e.g. because there are changes to staffing, staff rotas, 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 temporary or visiting staff have been trained in intimate and personal care procedures*

This means that staff and volunteers should:
- *adhere to the school's intimate care*

out in another room, should include times when the pupil/ student and staff members left and returned.

Staff should also be aware of and work in compliance with the Warwickshire County Council document *'Guidance on Special Toileting Needs in Schools and Early Years Settings' (2013)*[11].

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/student, 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 during partial school closures, 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. Volunteers and visiting staff from other schools should not undertake 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 and showering. However, there needs to be an appropriate level of supervision in order to safeguard pupils, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the children or young people 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 sport, swimming, dance or drama; or while engaged in a residential visit, staff and volunteers need to seek a balance between safeguarding pupils/students, for instance by ensuring that bullying does not take place, while respecting pupils/students' 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 and any form of physical contact with a pupil/student while they are in a state of undress.

and nappy changing policies
- *make other staff aware of the task being undertaken*
- *always explain to the pupil/student what is happening before a care procedure begins*

- *consult with senior managers 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/student and parents/ carers*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms, announce their intention of entering*
- *always consider the supervision needs of the pupils and only remain in the room where their needs require this*

This means that adults should not:
- *change or toilet in the presence or sight of pupils*
- *shower with pupils*
- *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*
- *assist with intimate or personal care tasks which the pupil is able to undertake independently*

[11] https://apps.warwickshire.gov.uk/api/documents/WCCC-1090-123

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 and early years' settings.

Staff and volunteers should not use any form of degrading treatment to punish a pupil/student. 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 completely unacceptable. Any sanctions or rewards used should be part of a behaviour management policy which is widely publicised and regularly reviewed.

Where pupils/students display difficult or challenging behaviour, staff and volunteers must follow the school/ setting's behaviour policy, using strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

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

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

This means that staff and volunteers should:

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

This means that the school should:

- *have in place a safe behaviour management 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/students.*

19. **The use of control and physical intervention**

There are 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 guidance produced by Warwickshire County Council[12] as well as the school's behaviour management and safeguarding policies.

This means that the school/setting should:

- *ensure it has a lawful physical intervention policy that is consistent with WSCB and government guidance and legislation and describes the context in which it is appropriate to use physical intervention*
- *regularly acquaint staff with policy and guidance*
- *ensure that staff are provided with appropriate training and support*

[12] http://www.warwickshire.gov.uk/wscbresources - Appendix 22 'Guidance on the use of force and physical intervention'

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
- engaging in behaviour prejudicial to good order and to maintain good order and discipline.

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

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted or disproportionate physical force is likely to constitute a criminal offence and will be reported and investigated in line with the WSB inter-agency 'Allegations against staff or persons in positions of trust' procedure[13].

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 or setting 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/student, 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.

In schools where restrictive physical interventions may need to be employed regularly, i.e. where staff or volunteers are working with pupils/students with extreme behaviours associated with emotional difficulties, learning disabilities or autistic spectrum disorders, the school should have a policy on the use of such intervention, as part of a wider behaviour management policy.

In all cases where physical intervention occurs the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the pupil/student. The parents/carers should be informed on the same day.

- *has an agreed policy for when and how physical interventions should be recorded and reported, which allows for incidents to be tracked and monitored*

This means that staff and volunteers should:

- *adhere to the school or setting's physical intervention policy*
- *always seek to defuse situations and avoid the use of physical intervention wherever possible*
- *where physical intervention is necessary, only use minimum force and for the shortest time needed*
- *record and report as soon as possible after the event any incident where physical intervention has been used.*

This means that staff and volunteers should not:

- *use physical intervention as a form of punishment*

[13] https://www.proceduresonline.com/covandwarksscb/p_alleg_against_staff.html

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 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 under 18 years of age[14].

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 and a matter for disciplinary action.

The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. '*Working Together to Safeguard Children*', defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening".

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 sole 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 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.

This means that members of staff and volunteers should:

- *not have any form of sexual contact with a pupil from the school or setting*
- *avoid any form of touch or comment which is, or may be considered to be, indecent*
- *not have sexual relationships with children and young people*
- *not have any form of communication with a child or young person which could be interpreted as sexually suggestive, provocative or give rise to speculation, e.g. verbal comments, letters, notes, (in writing or via text, Email or social media), phone calls, physical contact*
- *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 children and young people 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 adolescent boys and girls.*

[14] Sexual Offences Act 2003: abuse of a position of trust

21. **One to one situations**

The school and all those who work within it have a responsibility to prepare for and make appropriate arrangements for situations in which staff or volunteers including staff from external organisations might find themselves working with pupils/students on a one to one basis.

It is not realistic to state that one to one situations should never take place. However, it is appropriate to state that where there is a need, which has been agreed with a senior manager and/or parents/carers, for an adult to be alone with a child or young person, certain procedures and explicit safeguards must be in place. Wherever possible there should be a fully recorded discussion between the member of staff and their manager as to the reasons for this.

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. Staff and volunteers should maintain an awareness of any areas of the school or setting which may place themselves or pupils/students in vulnerable situations.

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. Staff or volunteers working on a one to one basis with pupils/students may also be more vulnerable to allegations or complaints being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. 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. Every attempt should be made to ensure the safety and security of pupils/students and the staff and volunteers who work with them.

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

In the event of further/future school closures, the DfE suggests that if there is only one vulnerable child or child of a critical worker 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

This means school leaders should:

- *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 on 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 and with the knowledge and consent of senior leaders and parents/carers*
- *be aware of relevant risk assessments, policies and procedures*
- *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/student involved when in one to one situations*

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.

22. **Home visits**

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

In occasional and/or exceptional circumstances, staff may be asked to undertake welfare visits. The school will operate in accordance with advice from DfE, Warwickshire Safeguarding and/or the academy trust 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/students 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/student, 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, e.g. hostility, child protection concerns, complaints or grievances. Specific thought should be given to visits outside of 'school hours' or in remote or secluded locations. Following the assessment, appropriate risk management measures should be put in place before the visit is undertaken. In the unlikely event that little or no information is available, visits should not be made alone.

Where a programme of work is to be undertaken in the pupil/student's home, an appropriate work space should be provided and a written work plan/contract should be agreed with the pupil/student and parent/carer. This should include: clear objectives; content; timing; duration of sessions; ground rules; child protection and confidentiality statements. The

This means that staff and volunteers should:

- *agree the purpose for any home visit with the Headteacher/ Principal or senior leader with delegated responsibility, unless home visits are an acknowledged and integral part of their role, e.g. parent support advisors, 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 management strategies*
- *avoid unannounced home visits wherever possible*
- *ensure there is visual access and/or an open door in one to one situations*
- *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 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*
- *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/setting should:

- *ensure that it has home visit and lone-working policies, which all staff and volunteers are made aware of. These should include arrangements for risk assessment and management*

plan should take into account the preferences of both the pupil/student 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/principal 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/principal/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 manager 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/student in their home outside agreed work arrangements and no pupil-student should be in or invited into the home[15] 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/principal.

A written record of any such agreement should be maintained in the school or setting. Examples might include situations where a pupil/student 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/student's parents/carers.

- *ensure that policies reflect any procedures or guidance issued by Warwickshire Safeguarding 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*
- *make clear to staff and volunteers that, other than in an emergency, they should not enter a home if a parent/carer is absent*
- *ensure that staff and volunteers have access to a school owned mobile telephone and an emergency contact person*

23. **Transporting children and young people**

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[16].

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[17].

This means that staff and volunteers should:

- *plan and agree arrangements with all parties in advance*
- *respond sensitively and flexibly where any concerns arise*
- *take into account any specific or additional needs of the pupil*
- *have an appropriate licence/permit for the vehicle*
- *ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair their judgement and/or ability to*

[15] This includes any home or domestic settings used or frequented by the adult

[16] See also https://www.gov.uk/government/publications/health-and-safety-advice-for-schools

[17] OEAP updated guidance (July 2018) https://oeapng.info/3618-transporting-young-people-in-private-cars/

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

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

It is a legal requirement that all passengers wear seatbelts 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 younger 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 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 both 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.

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*
- *ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified*
- *refer to local and national guidance for educational visits*

This means that the school/setting should:

- *have appropriate policies for transporting pupils/students*
- *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 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*

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[18].

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

The Management of Health and Safety at Work Regulations (1999) impose a duty on employers to produce suitable and sufficient risk assessments. This would include assessment of any risks to employees, children or others during an educational visit, and the measures that should be taken to minimise these risks. For regular activities, such as taking pupils to a local swimming pool, the risks should be considered under the school's general arrangements and a check to make sure that the precautions remain suitable is all that is required. For annual or infrequent activities, a review of an existing assessment may be all that is needed. For new higher-risk activities or trips, a specific assessment of the significant risks should be carried 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/students in the less formal atmosphere of an educational visit where a more relaxed discipline or informal dress and language code may be acceptable. However, staff and volunteers remain in a position of trust and need to ensure that their 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/students, 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/student ratios and a suitable gender mix of staff.

This means that staff and volunteers should:

- *adhere to the school/setting's educational visits policy/ guidance*
- *always have another member of staff or volunteer present in out of workplace activities, unless otherwise agreed with a senior manager*
- *undertake risk assessments in line with the school's policy*
- *have written parental consent to the activity*
- *ensure that their behaviour remains professional at all times(see section 7)*
- *never share beds with pupils/students.*
- *not share bedrooms unless it involves a dormitory situation or 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 a senior manager, parents/carers and pupils /students unless the party is placed in the situation unexpectedly.*
- *refer to local and national guidance for Educational visits, including exchange visits (both to the UK and abroad)*

[18] Guidance is also available from the Outdoor Education Advisers' Panel http://oeapng.info/

Before all overnight stays, there should be a robust written briefing, which must include sleeping arrangements for pupils/students 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/student; and reporting arrangements including any safeguarding and whistleblowing issues.

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[19].

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, or use of inhalers or Epipens.

If a member of staff or volunteer is concerned or uncertain about the amount or type of medication being given to a pupil/student, 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

This means that the school/setting 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*

This means that staff and volunteers should:

- *adhere to the school or setting'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/student what is happening.*
- *always act and be seen to act in the pupil/student's best interests*
- *report and record any administration*

[19] 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.

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

The risk assessment is likely to recommend that staff medication brought onto the premises must be securely stored and out of reach of children at all times.

Notwithstanding all of the above, the *Managing Health & Safety at Work Regulations* do allow an organisation in exceptional circumstances to function without any member of staff being trained in 'First Aid at Work'. If a school/setting has no trained first aider due to partial closure and/or a situation like COVID-19, 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 account of the number of staff, children and/or 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.

26. **Photography, videos, other images and use of smart mobile telephones**

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/students at or on behalf of the school or setting, including during educational visits, residential trips and other off-site activities such as sports events. That includes the use of any device which can be used for taking/recording images, e.g. cameras, mobile-phones, smart phones, tablets, web-cams etc.

Whilst images are regularly used for very positive purposes, adults need to be aware of the potential for these to be taken and/or misused or manipulated for indecent or 'grooming' purposes. Particular regard needs to be given when images are taken of young or vulnerable children who may be unable to question why or how the activities are taking place. Pupils who have been abused previously in a manner that involved images may feel particularly threatened by the use of photography, filming etc. Staff and volunteers should

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/setting's policy in relation to the creation and storage of images of pupils/students; 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 written consent to do so*
- *only take images where the pupil/student is happy for them to do so*
- *only retain images when there is a clear and agreed purpose for doing so*
- *store images in an appropriate secure place in the school or setting using equipment owned by the school/setting*
- *ensure that a designated senior member of staff is aware that the*

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/setting have access.

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

- 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 Warwickshire County Council guidance '*Images of children guidance for children and young people in Warwickshire*'[20].

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*

This means that staff and volunteers should not:
- *take images of pupils for their personal use*
- *display or distribute images of pupils/students unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child)*
- *take images of pupils/students using any equipment not provided or authorised by the school to take, record and store images of pupils/students*
- *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 by children's social care*

This means that the school will:
- *ensure that a robust policy in respect of the taking, recording, storage and publication of images of pupils/students that is compliant with WCC guidance 'Use of Images Guidance for Children and Young People in Warwickshire' 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/students about appropriate usage.*

[20] https://www.safeguardingwarwickshire.co.uk/safeguarding-children/i-work-with-children-and-young-people/interagency-safeguarding-procedures

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 school/setting and staff and volunteers working directly with pupils/students need to ensure that internet-enabled ICT equipment used by pupils/students has the appropriate filters and restrictions to minimise the likelihood of access to inappropriate material.

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

If indecent images of children are discovered on the school/setting's premises or on the school/setting's equipment an immediate referral should be made to the Designated Officer (DO) in the Local Authority and the Police should be contacted. The images/equipment will be secured and there should be no attempt to view or delete the images as this could jeopardise necessary criminal action. If the images are of children known to the school/setting, a referral should also be made to children's social care via the MASH[21].

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

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

This means that staff and volunteers should:

- *follow the school/setting'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/students are age appropriate*

[21] Further advice re: how school staff should respond when finding indecent images of children can be found at https://www.safeguardinginschools.co.uk/wp-content/uploads/2016/08/Sexting-in-schools-and-colleges-UKCCIS-August-2016.pdf

28. Personal living accommodation including on site provision

As stated above, staff should generally not invite any pupils/students into their living accommodation unless the reason to do so has been firmly established and agreed with the headteacher/principal and the pupil's parents/carers.

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

Under no circumstances should pupils be asked to assist adults with jobs or tasks, either for or without reward, at or in their private accommodation. Neither should they be asked to do so by friends or family of any employee or volunteer.

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

This means that staff and volunteers should:

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

29. Overnight supervision and examinations

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

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

The examination board requires the centre to determine a method of supervision which ensures the candidate's wellbeing. As a result, in some circumstances staff may be asked to volunteer to supervise students. The overriding consideration should be the safeguarding of both the pupil and staff. The school/setting does not therefore endorse the practice of staff supervising candidates overnight in their own homes. Where necessary, the school/setting will arrange a 'sleep-over' on the school premises, supervised by a minimum of two members of staff.
Where arrangements are made for staff members to supervise a pupil overnight then all necessary safeguards will be put in place.

This means that:

- *the school/setting will ensure that all arrangements reflect a duty of care towards pupils and staff*

Where staff do supervise candidates overnight:

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

30. **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/students to ensure sensitive topics can be discussed in a safe learning environment. This plan should highlight particular areas of risk and sensitivity and care should especially be taken in those areas of the curriculum where usual boundaries or rules are less rigorously applied, e.g. drama.

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

Care should be taken to comply with the school/setting's policy on spiritual, moral, social, 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 comply at all times with the school/setting'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 relationships and sex education provided (but not from the National Curriculum for Science).

This means that staff and volunteers should:

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

This means that staff and volunteers should not:

- *enter into or encourage inappropriate discussions which may offend or harm others*
- *undermine fundamental British values*
- *express any prejudicial views*
- *attempt to influence or impose their personal values, attitudes or beliefs on pupils/students*
- *discuss aspects of their own personal and sexual relationships with pupils/students*

31. **Whistleblowing**

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

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

In relation to whistleblowing concerning an allegation of abuse by a member of staff or volunteer or any breach of this Code of a safeguarding nature, staff and volunteers must comply with section 32 below.

This means that the school/setting will:

- *ensure that an appropriate whistleblowing policy that is shared with all staff and volunteers is in place; and 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 setting are not effective, or a child/ren are not being protected*
- *ensure that a clear procedure for dealing with allegations against staff and volunteers which is in line with the WS procedure for the management of allegations is in place.*

(continued below)

This means that staff and volunteers should:

- *report any behaviour by colleagues or any other adult working with children in the school/setting that raises concern to the headteacher/ principal* using yellow forms *(DELETE if yellow forms are not used in school), regardless of source*
- *escalate their concerns by reporting directly to the DO if they believe a child or children are not being protected or where they have concerns about the headteacher/principal's response*

32. **Sharing concerns and recording incidents**

All members of staff and volunteers should be aware of the school/setting's child protection and safeguarding procedures, including procedures for dealing with allegations against staff, volunteers and other adults that work with pupils/students.

All staff and volunteers should feel able to raise concerns about any poor or unsafe practice and any potential failure in the school/setting's safeguarding regime and have confidence that any such concerns will be taken seriously by the headteacher/principal[22].

To that end, staff and volunteers have a duty to report any breach of this code of conduct including what may seem minor contraventions and all concerns about poor practice or possible child abuse by colleagues **to the headteacher** without delay in line with the school/setting's child protection and safeguarding procedures[23]*.

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.

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

In the event of the headteacher being absent or unavailable for some reason (including times of school closure or partial

This means that staff and volunteers should:

- *be familiar with the school's systems for recording concerns, both about children and the behaviour of adults who work with children*
- *know how to contact the DO, WCC MASH 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 school/setting*

This means that the school/setting:

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

[22] Keeping Children Safe in Education (DfE 2020), paragraph 57

[23] In the event of any member of staff or volunteer having concerns about the headteacher/principal breaching this code of conduct or abusing a child, they should contact the Chair of Governors without delay.

closure), staff should contact the chair of governors and/or take advice from the Designated Officer or MASH 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 Designated Officer or MASH Education Lead.

In the event of any allegation being made to a member of staff or volunteer other than the headteacher/principal, information should be clearly and promptly recorded and reported to the headteacher/principal 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/students, so that appropriate support can be provided and/or action can be taken.

All reports of breaches of this code of conduct and all specific allegations of abuse must be taken seriously and properly investigated in accordance with school and WS procedures and statutory guidance. Staff who are the subject of allegations are advised to contact their professional association or Trade Union.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of adults working with or on behalf of pupils/ students.

* In the event of any member of staff or volunteer having concerns about the headteacher/principal breaching this code of conduct or abusing a child, they should contact the chair of governors without delay. Alternatively, staff and volunteers are free to contact the DO in the Local Authority or the MASH Education Lead to discuss their concerns.

To that end, contact details for the Chair of Governors, Designated Officer and MASH Education Lead will be readily accessible to all staff and volunteers via the safeguarding noticeboard in the staff room.

33. **Tutoring of School Pupils**

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 who attend this school/setting outside the school premises as this would be a blurring of professional boundaries. It is appropriate for staff and volunteers to offer independent tutoring to pupils at the school/setting on the school premises on a self-employed basis at lunch times or outside school hours for subjects not available through the regular curriculum (e.g. musical instrument tuition, dance, minority interest sports), subject to written

approval by the headteacher, written parental consent and compliance by the teacher with this Code at all times. Members of staff must also inform the headteacher/principal if they undertake any additional employment outside the school premises including tutoring of children who attend different schools and always ensure they have the parents'/carers' consent.

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.

34. **Professional behaviour**

Employees 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 National College of Teaching and Learning (NCTL). Serious safeguarding related allegations that are upheld will be referred to the Disclosure and Barring Service (DBS).

35. **Criminal actions**

School employees must inform the headteacher/principal (Chair of Governors if the employee is the headteacher/principal) immediately if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution. The headteacher/principal 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.

Required reading:

- School's Safeguarding and Child Protection policy and procedure.
- Misconduct Policy
- Teacher Standards

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. Employees 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 employees are in doubt about a declaration, they are advised to take advice from their headteacher/principal or trade union.

All declarations, including nil returns, should be submitted in writing to the headteacher/principal on a school Register of Business Interests. (Appendix 1 – Pro Forma).

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.

38. **Financial inducements**

37.1 Financial Regulations for schools

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

37.2 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).

37.3 Declaration of gifts

Any gifts that are received should be declared in writing to the Governing Body on the Register of Gifts and Hospitality (Appendix 2 – pro forma) with the exception of those items specifically identified in sections below. This document shall remain available for inspection by the Governing Body and local authority's Internal Audit team where it is the employer.

37.4 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 Governing Body 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 Governing Body 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 students 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 Governing Body 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 Governing Body. 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.

37.5 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 Governing Body 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 Governing Body 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, may be accepted and do not have to be declared on the Register of Business Interests.

37.6 Use of school contacts

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

Required reading:

Scheme of Financing Schools

39. **Other employment**

Subject to para 32.1 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/principal (Governing Body if the employee is the headteacher/principal) informed of their employment at other organisations.

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 and collaborating with colleagues, agencies and the Local Authority.

Required reading:

School's Health and Safety Policy.

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 employees 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 Local Authority's reputation and public confidence in the school and the employee.

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/principal (NB for the headteacher/principal 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. handheld 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.

Employees receiving inappropriate communication or material or who are unsure about whether something h/she proposes to do might breach this policy should seek advice from their headteacher/principal.

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/principal.

43. **Frequently Asked Questions**

Q1. Why do we need to have a Code of Conduct?

A1. It is important that all employees are aware of the standards of behaviour expected by the Governing Body and that these standards are systematically and fairly applied. Maintenance of those standards will contribute to the school fulfilling its statutory responsibility to safeguard and promote the welfare of all pupils/students. Employees also need to be aware of the potential consequences of not adhering to the Code.

Q2.What happens if I breach the Code?

A2. Failure to observe the code of conduct could lead to action being taken under the Schools' Model Procedure for Misconduct relating to School Staff. This does not preclude appropriate action being taken against an employee under other procedures for reasons other than misconduct, for example unsatisfactory performance, which would be dealt with under the Capability Procedure. Please refer to both procedures for the detailed process involved and the potential outcomes which might follow a breach of the Code of Conduct.

Any breach of the code by agency staff must be referred to the agency to be dealt with.

It is not possible to cover all situations which may occur at work. Nor is it possible to state that any single incident of misconduct will always attract the same penalty, bearing in mind such factors as mitigation, previous conduct and personal circumstances.

Q3. How do I know if I am using the internet and email in the correct way?

A3. There are guidelines in the Code of Conduct. However you should make yourself aware of the guidance and the school's Acceptable Use Policy. Ask the headteacher/principal or Business Manager/school office if you are unsure.

Q4. What do I do if I am offered a gift by a supplier or a customer?

A4. A gift of less than £25 can be seen as a 'token', for example diaries or calendars are acceptable. However, if the gift is valued at £25 or more you should refuse it. In a situation where a refusal might be difficult or considered offensive then you should consult your headteacher/principal who will decide on the appropriate action.

Q5. My father in law is on the Board of Directors for one of the schools' potential contractors, what do I need to do?

A5. This would constitute a conflict of interest if you are involved in the process of awarding contracts, or had any influence with the contract. If you have such a relationship you should declare this personal interest by completing Appendix x (pro forma).

Q6. I have become involved in a close relationship with a team member who I manage. Can I continue with my normal management role?

A6.You should not be involved in any disciplinary, appraisal or any other employment decision for an employee with whom you have a personal relationship. You also need to be aware that professional boundaries must be maintained. If there is any disruption in the workplace or obvious favouritism, action could be taken under the appropriate procedure. If you have any doubts, please contact your manager / headteacher/principal for advice.

Q7. One of the pupils/students I work with has asked for my personal mobile number and email address. What should I do?

A7. You should not give your personal mobile phone number or email address to a pupil/student unless there is a specific need which has been agreed with your line manager, Headteacher, parents or carers. However, this would be a rare occurrence. If the pupil/student persists in their request you should speak to your line manager/ headteacher/principal.

Q8. I work with vulnerable pupils/students who can display extreme behaviours. How should I deal with such a situation?

A8. Initially you should try to diffuse the situation. If this is not possible then you may need to consider physical intervention. Any physical intervention should be based upon a risk assessment (either formal or 'dynamic', i.e. on the spot) and be in the pupil/student's best interests. It must be reasonable, proportionate and considered absolutely necessary. If physical intervention is used, you

must record and report the situation as soon as possible according to local arrangements. Please also refer to Local Authority '*Guidance on the Use of Force and Physical Intervention'.*

Q9. I use social networking sites a lot in my own time but am regularly contacted to be a 'friend' by pupils/students whom I teach within my school. What should I do?

A9. You need to check your security settings to make sure only those people you wish to have access to your web pages can see them. You should decline the 'friends' requests of pupils and their parents and maintain a strictly professional working relationship. If you are unsure, you should speak with your line manager / headteacher/principal.

Q10. I work as a contractor and my niece has asked me for a job as a cleaner for whom I would be the line manager for. Can I recruit her?

A10. If there is a vacancy then it would need to be advertised. Your niece can choose to apply for the post, but as she is a relative you should not be involved in the recruitment and selection process as it would be considered a conflict of interest.

If your niece is appointed by another manager and you are her line manager, you must maintain a strictly professional relationship at work and you must not be involved in any employment decisions, for example, appraisals, pay decisions, etc.

Q11. If I go to the schools' Christmas party and get drunk, what business is it of school?

A11. As an employee of Council and/or school, if you partake in activities linked with work then it can be genuinely classed as an extension of your employment and we would expect you to conduct yourself appropriately. If your behaviour was influenced by alcohol and you behaved in an inappropriate way (i.e, actions against a fellow employee or member of the public, school reputational damage), this could result in disciplinary action being taken.

Q13. I work as a cleaner within a number of schools; do I need to inform each school that I am working somewhere else?

A13. You must inform the headteacher/principal of each school that you work for a number of schools and the total hours that you work. If this exceeds 48 hours per week, you will need to sign an 'opt out form'. You also need to consider your work life balance and your health if you are working this number of hours.

Q13. I often let off steam via Facebook about my day at work. What business is this of the school?

A13. There would potentially be damage to the school reputation as members of the public can access and view this. The comments could be identified with harassment if named people are linked to the school. This could result in allegations of misconduct that the school would investigate under the Model Procedure for Misconduct of School Staff.

APPENDIX 1

REGISTER OF BUSINESS INTERESTS FORM

Governors and staff declaration form

I wish to declare the following information in accordance with the Governing Body's requirements that a Register of Business Interests should be maintained.

Name:
Post:
Signature:
Date:
You should provide full details of your declaration below, including a nil return:
Declaration of relationship or contracting arrangements:
Relationships or links with businesses:
Contracts or proposed contracts (or any activity which would cause potential conflict) in which you are involved / interested:
State whether the interest is direct or indirect, and the nature of the interest:

APPENDIX 2

REGISTER OF GIFTS AND HOSPITALITY

Governors and staff declaration form

I wish to declare the following information in accordance with the Governing Body's requirements that a Register of Gifts and Hospitality should be maintained.

Name:
Post:
Signature:
Date:
You should provide full details of your declaration below, including a nil return:
Declaration of gifts and hospitality:
Date gift received:
From whom Gift or hospitality received: