

PROMOTING POSITIVE OPPORTUNITIES FOR ALL

BRIGHSTONE C.E. PRIMARY SCHOOL



STAFF CODE OF CONDUCT POLICY

Date Agreed: November 2016

Review Date: November 2017

Signed: _____
Chair of Governors

Revision Record

Revision No.	Date issued	Prepared By	Approved By	Comments
1	2012			New policy
2	08.11.16	JW	Finance	Updated to include social media

All the governors and staff at Brighstone CE Primary School are committed to sharing a common objective to help keep the children and staff of the school safe. We ensure that consistent effective safeguarding procedures are in place in order to support the families, children and staff of the school. This policy is inclusive of this commitment.

Underpinning Principles

- ✚ The welfare of the child is paramount (Children Act 1989).
- ✚ Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions or bring the school into disrepute.
- ✚ Staff should work, and be seen to work in an open and transparent way.
- ✚ Staff should discuss and/or take advice promptly from their line manager or another senior member of staff over any incident, which may give rise to concern.
- ✚ Records should be made of any such incident and of decisions made/further actions agreed, in accordance with school policy for keeping and maintaining records.
- ✚ Staff should apply the same professional standards regardless of gender or sexuality.
- ✚ All staff should know the name of their designated person for child protection, be familiar with local child protection arrangements and understand their responsibilities to safeguard and protect children and young people.
- ✚ Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.

Introduction

Staff have a crucial role to play in shaping the lives of young people. 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 staff establish the safest possible learning and working environments. The aims are to safeguard young people and reduce the risk of staff being falsely accused of improper or unprofessional conduct.

Duty of Care

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

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

LAs, schools and parents have legitimate expectations about the nature of professional involvement in the lives of pupils. When individuals accept a role that involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers have a duty of care towards their employees under the Health and Safety at Work Act 1974 which requires them to provide a safe working environment for staff and guidance about safe working practices. The Act also imposes a duty on employees⁵ to take care of themselves and anyone else who may be affected by their actions or failings. In this respect, the duty of care towards both staff and children can be demonstrated through the use of these guidelines.

An employer's duty of care and the staff duty of care towards children should not conflict.

Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people in education settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Wherever possible, staff should avoid behaviour, which might be misinterpreted by others, and report and record any incident with this potential.

Confidentiality

Members of staff may have access to confidential information about pupils in order to undertake their every day responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a 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 pupil.

Confidential information about a child or young person 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 a member of staff 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 child protection responsibilities.

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

Propriety and Behaviour

All staff 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 their peers, pupils and the public in general.

An individual's behaviour, either in or out of the workplace, should not compromise her/his position within the work setting.

Dress and Appearance

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

Gifts

Staff should be aware of their Authority's guidance and/or school's policy including arrangements for the declaration of gifts received and given.

It is against the law for public servants to take bribes. Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

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

Similarly, it is inadvisable to give such personal gifts to pupils. This could be misinterpreted as a gesture either to bribe, or single out the young person. It might be perceived that a 'favour' of some kind is expected in return. Any reward given to a young person should be agreed practice within the establishment, consistent with the school's behaviour policy, recorded and not based on favouritism.

Social Contact

Staff should not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response and be aware that such social contact could be misconstrued. Staff should not give their personal details such as home/mobile phone number; home or e-mail address to pupils unless the need to do so is agreed with senior management.

Physical Contact

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

A 'no touch' approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background. Appropriate physical contact in schools may occur most often with younger pupils. 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. Staff should therefore, use their professional judgement at all times.

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

should be recorded as soon as possible in the school's incident book and, if appropriate, a copy placed on the child's file.

Physical contact, which occurs regularly with an individual child or young person, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. Where feasible, staff should seek the child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or feelings and – so far as is possible - use a level of contact which is acceptable to the child for the minimum time necessary. Extra caution may be required where it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to staff being vulnerable to allegations of abuse. It is recognised that many such children are extremely needy and seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively by helping them to understand the importance of personal boundaries. The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each child. Children with special needs 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 child's needs, consistently applied and open to scrutiny.

Physical Education and other activities which require physical contact.

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

Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment (see one-to-one situations, below). Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

Changing

Young people are entitled to respect and privacy when changing clothes or taking a shower. However, there needs to be an appropriate level of supervision in order to safeguard young people, 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 young people concerned and sensitive to the potential for embarrassment.

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

Pupils in Distress

There may be occasions when a distressed pupil needs comfort and reassurance. This may include age - appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation. Where a member of staff has a particular concern about the need to provide this type of care and reassurance s/he should seek further advice from a senior manager.

Behaviour Management

All pupils have a right to be treated with respect and dignity. Corporal punishment is unlawful in all schools. Equally, staff should not use any form of degrading treatment to punish a pupil. The use of humour can help to defuse a situation. The use of sarcasm, demeaning or insensitive comments towards pupils is not acceptable in any situation.

Care, Control and Physical Intervention

The circumstances in which staff can intervene with a pupil are covered by the 1996 Education Act. Staff may legitimately intervene to prevent a pupil from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behaviour prejudicial to good order and to maintain good order and discipline. Staff should have regard to the health and safety of themselves and others.

This is a complex area and staff must have regard to DfES guidance. Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence. In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

Sexual Contact with Young People

Any sexual behaviour by a member of staff with or towards a child or young person is both inappropriate and illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether the child or young person consents or not. This includes the prohibition on adults in a position of trust.

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'¹⁵, 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'.

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

One to One Situations

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

Pre-arranged meetings with pupils away from the school premises should not be permitted unless approval is obtained from their parent and the head teacher or other senior colleague with delegated authority.

Transporting Children

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

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

Educational Visits and After School Clubs etc.

Staff should take particular care when supervising pupils in the less formal atmosphere of a residential setting or after school activity. During school activities that take place off the school site or out of school hours, a more relaxed discipline or informal dress and language code may be acceptable. However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, staff and parents should be informed of these prior to the start of the trip. Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in an out of school activity. Staff must be aware of and follow guidance.

First Aid and Administration of Medication

All schools must have trained first-aiders/appointed persons. Teachers may volunteer to undertake this task but it is not a contractual requirement. Staff should receive appropriate training before administering first aid or medication.

Pupils may need medication during school hours. In circumstances where children need medication regularly a health care plan should be drawn up to ensure the safety and protection of pupils and staff. With the permission of parents, the children should be encouraged to administer the medication themselves.

If a member of staff is concerned or uncertain about the amount or type of medication being given to a pupil, this should be discussed with the appropriate senior colleague at the earliest opportunity. When administering first aid, wherever possible, staff should ensure that another adult is present, or aware of the action being taken. Parents should always be informed when first aid has been administered.

Intimate Care

All children have a right to safety, privacy and dignity when contact of an intimate nature is required (for example assisting with toileting or removing wet/soiled clothing). A care plan should be drawn up and agreed with parents for all children who require intimate care on a regular basis. Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. When assistance is required, staff should ensure that another appropriate adult is in the vicinity and is aware of the task to be undertaken. Additional vulnerabilities that may arise from a physical disability or learning difficulty should be considered with regard to individual teaching and care plans for each child. As with all arrangements for intimate care needs, agreements between the child, their parents/carers and the organisation must be

negotiated, agreed and recorded. In addition, the views and/or emotional responses of children with special educational needs, regardless of age and ability must be actively sought in regular reviews of these arrangements.

Curriculum

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

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

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

Photography, Videos and other Creative Arts

Many school activities involve recording images. These may be undertaken as part of the curriculum, extra school activities, for publicity, or to celebrate achievement. Staff need to be aware of the potential for these aspects of teaching to be misused for pornographic or 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken. Particular regard needs to be given when they involve young or vulnerable pupils who may be unable to question why or how the activities are taking place. Children who have been previously abused in this way may feel threatened by the use of photography, filming etc in the teaching environment. Staff should remain sensitive to any children who appear uncomfortable and should recognise the potential for misinterpretation.

Using images of children for publicity purposes will require the age - appropriate consent of the individual concerned and their legal guardians. Images should not be displayed on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.

Internet Use

Schools should have clear policies about access to and the use of the Internet and have regard to DfE guidance. Under no circumstances should adults in school access inappropriate images. Accessing child pornography or indecent images of children on the internet, and making, storing or disseminating such material, is illegal and, if proven, will invariably lead to the individual being barred from work with children and young people. Using school or college equipment to access inappropriate or indecent material, including adult pornography, is likely to give cause for concern particularly if as a result pupils might be exposed to inappropriate or indecent material.

Social Networking Sites

Employees must not access social networking sites for personal use during classes. Access to some journals, blogs and social networking sites is permitted during classes for the purposes of undertaking job related duties only.

Employees must act in the best interests of the school and not disclose personal data or information about any individual, including staff members, children and young people.

Staff members should not 'friend' pupils on social networking websites.

Access may be withdrawn and disciplinary action taken if there is a breach of confidentiality or defamatory remarks are made against any individual at the school.

Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

Sharing Concerns and Recording Incidents

All staff should be aware of the school's child protection procedures, including procedures for dealing with allegations against staff. Staff who are the subject of allegations are advised to contact their professional association. In the event of an incident occurring, which may result in an action being misinterpreted and/or an allegation being made against a member of staff, the relevant information should be clearly and promptly recorded and reported to senior staff. Early discussion with a parent or carer could avoid any misunderstanding. Members of staff should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with pupils so that appropriate support can be provided or action can be taken.

All adults working in education settings should know the name of the school's designated teacher for child protection, or the equivalent individual, and know and follow relevant child protection policy and procedures. All staff have a duty to report any child protection concerns to their designated person for child protection.