



Staff and Volunteer Code of Conduct

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Governing Body

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1 Introduction

1.1 Overview

Sherwell Valley Primary School seeks to provide a safe and supportive environment, which secures the well-being and very best outcomes for children in its care.

The Department for Education statutory guidance 'Keeping Children Safe in Education' requires that schools ensure that there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare.

This document reflects the *Guidance for Safer Working practice for those working with Children and Young People in Education Settings (May 2019)* and clarifies what is expected in terms of professional behaviour; it gives clear advice about what constitutes illegal behaviour and what might be considered as misconduct. It also describes safe practice and which behaviours should be avoided.

If a member of staff does not follow this code of conduct this may lead to disciplinary action.

There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their employer. It is expected that in these circumstances staff will always advise their senior colleagues of their justification for any such action already taken or proposed.

1.2 Core Principles

- The welfare of children is paramount.
- Staff should understand their responsibilities to safeguard and promote the welfare of pupils
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Staff should work, and be seen to work, in an open and transparent way.
- Staff should discuss and/or take advice promptly from their line manager or another senior member of staff if they have acted in a way which may give rise to concern.
- Staff should apply the same professional standards in keeping with the School's Equality Policy.
- Staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children.
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them, and / or other proceedings including barring by the Disclosure and Barring Service from working in regulated activity, or for acts of serious misconduct prohibition from teaching by the Teaching Regulation Agency.
- Staff should be aware of and understand the organisation's safeguarding and child protection policy, arrangements for managing allegations against staff, this code of conduct, whistle-blowing procedure and the procedures of the Torbay Safeguarding Children Partnership (TSCP).

This document provides a guide for adults working at Sherwell Valley Primary School (including staff, governors, volunteers and visitors) about acceptable and desirable conduct to protect both adults and children. All staff should read and adhere to the code of conduct at all times. It refers to and complements other policies and guidance within the school including:

- Dealing with allegations of abuse against / concerns raised in relation to members of staff, volunteers and contractors
- Keeping Children Safe in Education (September 2023)
- Safeguarding & Child Protection Policy
- Guidance for Safer Working Practice for those working with Children and Young People in

- Education Settings (May 2019)
- Relationship Policy (students)
- Health and Safety Policy
- ICT Acceptable Use Policy
- Online Safety Policy
- Equality Policy
- Whistleblowing Policy

All of the above policies can be viewed via the school office and / or website

2 Sharing Concerns

Sherwell Valley Primary School promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the school are dealt with promptly and appropriately.

All staff should be aware of the procedures for dealing with allegations of abuse against / concerns raised in relation to members of staff, volunteers and contractors. These procedures are available in school on the shared staff drive.

In line with statutory guidance Keeping Children Safe in Education, the school's procedures for dealing with allegations and/or concerns against those working in or on behalf of schools now cover 'low level' concerns in addition to allegations that may meet the harm threshold.

2.1 Low level concerns

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO)

Examples of such behaviour could include, but are not limited to:

- being overly friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language

2.2 Sharing low level concerns

This Code of Conduct sets out professional boundaries and how staff are expected to act within these boundaries. It should help staff to distinguish expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others.

If you have a safeguarding concern about another member of staff (including supply staff, volunteers and contractors) this should be referred to the headteacher. Where the concerns are about the headteacher they should be referred to the chair of governors.

Staff are encouraged and should feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

3 Scope

3.1 Scope

All staff and volunteers working at Sherwell Valley Primary are expected to adhere to this Code of Conduct.

3.2 Equality Statement

This policy applies equally to all School employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

4 Safe Working Practices for the Protection of Children, Staff and Volunteers

4.1 Introduction

This guidance has been produced to help all 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.

4.2 Responsibilities

Teachers and other staff are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children.

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

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

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

This means that these guidelines apply to all adults working in education settings whatever their position, roles, or responsibilities.

This means that staff should:

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

This means that this school should:

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

4.3 Exercise of Professional Judgement

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

This means that where no specific guidance exists staff should:

- discuss the circumstances that informed their action, or their proposed action, with a senior colleague.
- always discuss any misunderstanding, accidents or threats with a senior leader
- always record discussions and actions taken with their justifications
- record any areas of disagreement and, if necessary, refer to another agency/the LA/Ofsted/other Regulatory Body

4.4 Power and Positions of Trust

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

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

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

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

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

This means that staff should not:

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

4.5 Confidentiality

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

those principles should apply.

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

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

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

If a child – or their parent / carer – makes a disclosure regarding abuse or neglect, the member of staff should follow the setting's procedures. The adult should not promise confidentiality to a child or parent, but should give reassurance that the information will be treated sensitively.

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

This means that school leaders should:

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

This means that staff:

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

4.6 Standards of behaviour

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

There may be times where an individual's actions in their personal life come under scrutiny from the community, the media or public authorities, including with regard to their own children, or children or adults in the community. Staff should be aware that their behaviour, either in or out of the workplace,

could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the employer into disrepute. Such behaviour may also result in prohibition from teaching by the Teaching Regulation Agency (TRA) a bar from engaging in regulated activity, or action by another relevant regulatory body.

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

This means that staff should not:

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

This means that staff should:

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

This means that school leaders should:

- have a clear expectation that staff will discuss with managers any relationship / association (in or out of school or online) that may have implications for the safeguarding of children in school.
- create a culture where staff feel able to raise these issues, safeguard their employees' welfare and contribute to their duty of care towards their staff.
- identify whether arrangements are needed to support these staff.
- consider whether there are measures that need to be put in place to safeguard children (stopping a person coming into school where a potential risk to children has been identified).

Schools must not

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

4.7 Dress and Appearance

Staff should consider the manner of dress and appearance appropriate to their professional role. We require children to be smart in their uniform. Smart and professional appearance is expected at all times for staff. 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. Appropriate personal presentation is expected of staff.

This means that staff should ensure their appearance and clothing:

- 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 discriminatory
- is compliant with professional standards

4.8 Gifts and rewards

Staff should be aware of the school's policy regarding arrangements for the declaration of gifts received and given. 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, for example 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. Any member of staff concerned about whether they or their colleagues may be at risk of giving or receiving a bribe (financial or otherwise) should contact the (Headteacher / Business Manager). Members of staff should not give personal gifts to pupils. It is acceptable for staff to offer prizes of small value in certain tasks, competitions or rewards.

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

This means that staff should:

- ensure that gifts received or given in situations which may be misconstrued are declared
- Ensure that gifts of significant value are declared.
- only give gifts to an individual young person as part of an agreed reward system
- where giving gifts other than as above, ensure that these are of insignificant value and given to all pupils equally.
- ensure they do not behave in a manner which is either favourable or unfavourable to individual pupils

4.9 Infatuations

Staff need to be aware that it is not uncommon for a pupil to be strongly attracted to a member of staff and/or develop an infatuation. Staff should be aware that such circumstances always carry a high risk of words or actions being misinterpreted and for allegations to be made against staff.

A member of staff who becomes aware that a pupil may be infatuated with themselves or a colleague should discuss this at the earliest opportunity with a senior manager so that appropriate action can be

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

This means that staff should:

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

This means that senior managers should:

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

4.10 Social contact outside of the workplace

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

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

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

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

This means that staff should:

- always approve any planned social contact with pupils or parents with senior colleagues, for example when it is part of a reward scheme
- advise senior management of any regular social contact they have with a pupil which could give rise to concern
- refrain from sending personal communication to pupils or parents unless agreed with senior managers
- inform senior management of any relationship with a parent where this extends beyond the usual parent/professional relationship
- inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring

4.11 Communication with pupils (including use of technology)

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

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

Communication with children both in the 'real' world and through web based and telecommunication interactions should take place within explicit professional boundaries. This includes the use of computers, tablets, phones, texts, e-mails, instant messages, social media such as Facebook and Twitter, chat-rooms, forums, blogs, websites, gaming sites, digital cameras, videos, web-cams and other hand-held devices. (Given the ever changing world of technology it should be noted that this list gives examples only and is not exhaustive.) Staff should not request or respond to any personal information from children other than which may be necessary in their professional role. They should ensure that their communications are open and transparent and avoid any communication which could be interpreted as 'grooming behaviour'.

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

Staff should, in any communication with children, also follow the guidance in section 3.6 'Standards of Behaviour'.

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

This means that staff should:

- not seek to communicate/make contact or respond to contact with pupils outside of the purposes of their work
- not give out their personal details
- use only the equipment and internet services provided by the school or setting, unless school policies state otherwise
- only use internet-enabled personal devices in line with school acceptable use policies
- follow the school's acceptable use policy and online safety guidance
- ensure that their use of technologies could not bring the organisation into disrepute
- not discuss or share data relating to children/ parents / carers in staff social media groups

4.12 Physical contact

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

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

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

different child.

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

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

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.

This means that staff should:

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

4.13 Intimate / personal care

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

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

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

Pupils are entitled to respect and privacy at all times and especially when in a state of undress, including, for example, when changing, toileting and showering. However, there needs to be an

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

This means staff that should:

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

This means that adults must not:

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

4.14 Behaviour Management

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

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

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

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

Senior managers should ensure that the school'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 should:

- not use force as a form of punishment
- try to defuse situations before they escalate e.g. by distraction
- keep parents informed of any sanctions or behaviour management techniques used
- be mindful of and sensitive to factors both inside and outside of the school or setting which may impact on a pupil's behaviour follow the school'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

4.15 Care, Control and Physical Intervention

Staff may legitimately 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. Staff should have regard to the health and safety of themselves and others.

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 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.

This means that staff should:

- adhere to the school's physical intervention policy
- *always seek to defuse situations*
- *Always use minimum force for the shortest period necessary.*

This means that staff should not:

- use physical intervention as a form of punishment

4.16 Sexual conduct

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

Pupils are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions depending on their age and understanding. This includes the prohibition of sexual activity with children by adults in a position of trust.

Sexual activity involves physical contact including penetrative and non-penetrative acts, however it also includes non-contact activities, such as causing pupils to engage in or watch sexual activity or the production of pornographic material. There are occasions when adults embark on a course of behaviour known as 'grooming' where the purpose is to gain the trust of a child, and manipulate the relationship so sexual abuse can take place. All staff should undertake appropriate training so they are fully aware of those behaviours that may constitute 'grooming' and of their responsibility to always report to a senior manager any concerns about the behaviour of a colleague which could indicate that a pupil is being groomed.

This means that staff should:

- not have any form of sexual contact with a pupil from the school or setting
- avoid any form of touch or comment which is, or considered to be, indecent
- avoid any form of communication with a pupil which could be interpreted as sexually suggestive, provocative or give rise to speculation e.g. verbal comments, letters, notes, by email or on social media, phone calls, texts, physical contact
- not make sexual remarks to or about a pupil
- not discuss sexual matters with or in the presence of pupils other than within agreed curriculum content or as part of their recognised job role

4.17 One to One Situations

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

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

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

This means that staff should:

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

4.18 Home Visits

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

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

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

This means that staff should:

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

4.19 Transporting Children

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

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.

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

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

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

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

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

This means that staff should:

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

4.20 Educational visits

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

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 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.

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

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

This means that staff should:

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

4.21 First Aid and Administration of Medication

The school has an administration of medication policy, which must be adhered to at all times.

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

Adults taking medication which may affect their ability to care for children should seek medical advice regarding their suitability to do so and providers should ensure that they only work directly with children if that advice confirms that the medication is unlikely to impair their ability to look after children.

This means that staff should:

- adhere to the school's health and safety and supporting pupils with medical conditions policies
- always act and be seen to act in the pupil's best interest
- make a record of all medication administered
- not work with pupils whilst taking medication unless medical advice confirms that they are able to do so

4.22 Photography, videos and other images / media

Many educational activities involve recording images. These may be undertaken for displays,

publicity, to celebrate achievement and to provide records of evidence of the activity. Under no circumstances should staff be expected or allowed to use their personal equipment to take images of pupils at or on behalf of the school or setting.

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

Pupils who have been previously abused in a manner that involved images may feel particularly threatened by the use of photography, filming etc. Staff should remain sensitive to any pupil who appears uncomfortable and should recognise the potential for misinterpretation.

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

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

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

This means that staff should:

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

This means that adults should not:

- take images of pupils for their personal use
- display or distribute images of pupils unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child)
- take images of children using personal equipment
- take images of children in a state of undress or semi-undress
- take images of a child's injury, bruising or similar (e.g. following a disclosure of abuse) even if requested by children's social care
- make audio recordings of a child's disclosure
- take images of children which could be considered as indecent or sexual

4.23 Exposure to inappropriate images

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

There are no circumstances that will justify adults: making, downloading, possessing or distributing indecent images or pseudo-images of children (child abuse images). Accessing these images, whether using the

settings or personal equipment, on or off the premises, or making, storing or disseminating such material is illegal.

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

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

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

This means that staff should:

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

4.24 Curriculum

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

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

Care should be taken to comply with the setting's policy on spiritual, moral, social, cultural (SMSC) which should promote fundamental British values and be rigorously reviewed to ensure it is lawful and consistently applied. Staff should also comply at all times with the policy for relationships and sex education (RSE).

This means that staff should:

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

This means that adults should not:

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

4.25 Personal living accommodation

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

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

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

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

This means that staff should:

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

4.26 Whistleblowing

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

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

Ofsted's dedicated Whistleblowing Hotline (0300 1233155) is staffed from 8am to 6pm, Monday to Friday. Whistleblowing disclosures can also be submitted to Ofsted by email to;

The Ofsted Whistleblowing team - **whistleblowing@ofsted.gov.uk** or by post to: WBHL Ofsted Piccadilly Gate Store Street Manchester M1 2WD.

This means that staff should:

- escalate their concerns if they believe a child or children are not being protected

