

# STAFF BEHAVIOUR POLICY (CODE OF CONDUCT) FOR ALL STAFF AND VOLUNTEERS IN SCHOOLS 2023



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

I declare that I have read the Staff Behaviour Policy (Code of Conduct), understand it, have been given an opportunity to discuss it with my Headteacher/line manager and undertake to work in accordance with it.

Name \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

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For further information, on this model policy please contact.

[educationsafeguarding@warwickshire.gov.uk](mailto:educationsafeguarding@warwickshire.gov.uk)

If you have concerns about an adult working with children and young people, please contact your settings manager

**Head teacher - Lucy Jackson – head3031@welearn365.com**

**Chair of Governors – Neil Thomas – Thomas.n2@welearn365.com**

Local Authority Designated Officer

Referrals are made on the [Position of Trust Multi-agency referral form POT MARE](#) and emailed to the LADO at their direct email address [lado@warwickshire.gov.uk](mailto:lado@warwickshire.gov.uk)

LADO Phone: 01926 745376

**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 2023). 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, 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

[Note - for ease of reading, references will be made to ‘school’ and ‘setting’. This term encompasses all types of educational establishment including academies, independent and free schools, alternative providers of education, FE institutions, sixth form colleges and Early Years settings – schools/settings should insert the word that applies to their context and then DELETE this note]

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 Local Authority Designated Officer (LADO). Please refer to 1.3 below for criteria for referral to the LADO.

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wherever possible, such references have been removed in order that the document does not appear to quickly become out of date or to apply only to certain staff or settings.

## 1.3 Purpose of the Code of Conduct

This Code is based on the most current Safer Working Practice guidance from the Safer Recruitment consortium.

The Code seeks to ensure that the responsibilities of senior leaders of educational settings towards children and staff are discharged by.

- raising awareness of illegal, unsafe, unprofessional, and unwise behaviour.
- 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 workplace 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.

Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold - see KCSiE, 2023) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable schools and colleges to identify concerning, problematic or inappropriate behaviour early; and minimise the risk of abuse. A culture of vigilance will help to ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

Any behaviours that fall short of the guiding principles outlined in this document must be shared responsibly and with the right person. All concerns that do not meet the harm threshold must be recorded and dealt with appropriately as a low-level concern as referenced in *Part 4 section 2 of KCSiE 2023*.

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

- behaved in a way that has harmed a child or may have harmed a child.
- possibly committed a criminal offence against or related to a child.
- 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.

The Local Authority Designated Officer (LADO) will be informed within one working day of all allegations.

#### **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 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. Schools should consider how to evaluate each employee's understanding, particularly for staff where English is an additional language or there are individual learning needs. School must acknowledge the relevant legislation to ensure they do not discriminate against individuals and ensure each person working with children in the organisation has a clear understanding of the Code. Once they have read through the Code, 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<sup>1</sup> to safeguard and promote their welfare.

The Education Act 2002 (section 175), the Education (Independent School Standards) Regulations 2014 and the Education (Non-Maintained Special Schools) (England) Regulations 2015 place duties upon all schools 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*<sup>2</sup> (DfE 2018) and *Keeping Children Safe in Education*<sup>3</sup> (DfE 2023) 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 whistleblowing policy. If a member of staff or a volunteer has a concern about a child, they should raise that concern with the school's Designated Safeguarding Lead as set out in the child protection and safeguarding policy.

However, **concerns about abuse of children by or the conduct of staff members must be referred to the Headteacher or Principal** using yellow forms. Concerns about the conduct of the Headteacher or Principal should be referred to the Chair of Governors, Board of Trustees or Academy Trust. Such referrals can also be made directly to the Local Authority Designated

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<sup>1</sup> The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care.

<sup>2</sup> Working Together to Safeguard Children - A guide to interagency working to safeguard and promote the welfare of children - DfE 2018

<sup>3</sup> Keeping Children Safe in Education - statutory guidance for schools and colleges – DfE 2022.

Office (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 Children and Families Front Door or – in consideration of the immediate risk of harm to the child – to the Police directly. Anybody can make a referral. If the child's situation does not appear to be improving the staff member/volunteer with concerns should press for re-consideration.**

## 1.7 Underpinning Principles

- The welfare of the child is paramount.<sup>4</sup>
- 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 including self-reporting if their conduct or behaviour falls short of these guiding principles.
- Staff and volunteers should acknowledge that deliberately invented/malicious allegations 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 'the Code', whistle blowing procedure and the local inter-agency safeguarding procedures established by the local multi-agency partnership, Warwickshire Safeguarding.

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

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

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<sup>4</sup> Children Act 1989

## 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*

## 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 LADO when responding to allegations made against *or concerns about the behaviour of* staff in education and early years settings.

*This means that staff 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 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.

Legislation also imposes a duty on employees 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.

*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 that if there is no trained DSL on site, a senior member of staff is identified to lead on safeguarding issues

*This means that staff 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 policies and procedures
- ensure all employees and volunteers have access to and understand this Code and related policies and procedures
- ensure that all job and role descriptions and person specifications clearly identify each member of staff and volunteer's responsibility for safeguarding children in school and the competences necessary to fulfil the school's and the

#### 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, staff 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 LADO/Ofsted/ TRA/ other regulatory body*

#### 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.

Staff 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 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

*This means that staff 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.

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

Staff and volunteers should never use confidential or personal information about a pupil 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 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 must always take any such concerns seriously and follow the school/setting's procedures. Whilst staff and volunteers need to be aware of the need to listen to and support children and young people, they must also understand the importance of not promising a child or parent/carer that they will keep secrets that relate in any way to the safety or well-being of any individual but should give reassurance that the information will be treated sensitively.

If a member of staff or volunteer is in any doubt about whether to share information or 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 the Chair of Governors, or LADO if the concerns are about the Headteacher without delay.

*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 staff:*

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

## 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.

*This means that staff should wear clothing which:*

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise, contentious slogans*
- *is not considered to be discriminatory*
- *is compliant with professional standards*
- *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 either to bribe or groom. It might also be perceived that a 'favour' of some kind is expected in return.

It is therefore recommended that when gifts are given in specific circumstances, they should be given by the whole staff group or by groups of staff (e.g., a 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.

Q11-07-0-07-5 for declaration of gifts

*This means that Staff 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*
- *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. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

The headteacher 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.

*This means that staff 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 where concerns are brought to their attention*

## 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. 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.

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

*This means that staff 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*

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

The narrative of section 12 remains relevant.

The school/setting 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](#).

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

*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, 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 staff 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*



## 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, always use their professional judgement.

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 misinterpreted, or if an action is observed which is possibly abusive, the incident and circumstances should

*This means that staff 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

## 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, challenging and or concerning 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.

Staff should understand the importance of challenging inappropriate behaviours between peers, including child-on-child sexual violence and sexual harassment. Downplaying certain behaviours, for example dismissing sexual harassment as "just banter", "just having a laugh", "part of growing up" or "boys being boys" can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

Where pupils/students display difficult, challenging or concerning 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 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*
- *be clear as to the school's policy and procedures with regard to child- child abuse*
- *be able to reassure victims that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting abuse, sexual violence, or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.*

*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*

## 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 as well as the school's behaviour management and safeguarding policies.

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

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

- 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 Warwickshire Safeguarding inter-agency 'Allegations against staff or persons in positions of trust' procedure.

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

*This means that the school/setting should:*

- *ensure it has a lawful physical intervention policy that is consistent with Warwickshire Safeguarding 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*
- *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 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 should not:*

- *use physical intervention as a form of punishment*

## 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.

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'* (DfE, 2018) 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.

## 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

*This means that members of staff should:*

- *not have any form of sexual contact with a pupil from the school or setting*
- *avoid any form of touch or comment which is, or may be considered to be, indecent*
- *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.*

*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*

### **31. Duty to report concerns about an individual's suitability to work with children, Whistleblowing**

There is a duty to report (including self-reporting) any incident in which an adult has or may have behaved in a way that is inconsistent with the organisation's staff code of conduct including inappropriate behaviours inside, outside of work or online.

Staff should recognise their individual responsibility to raise any concerns regarding behaviour or conduct (including low level concerns) that falls short of the principles outlined in this document and the setting's staff behaviour policy. It is crucial that any such concerns, including those which do not meet the harm threshold (see KCSiE 22), are shared responsibly and with the right person, and recorded and dealt with appropriately.

Failure to report or respond to such concerns would constitute a failure in professional responsibilities to safeguard children and promote welfare.

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 (self-reporting) to the attention of the headteacher and/or relevant external agencies including the LADO 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:*

- *have clear systems in place for all reporting of adults' behaviour causing concern.*
- *have clear systems in place for whistleblowing that are promoted to all staff.*
- *promote an open and transparent culture where staff feel valued and are confident to report any concerns*
- *ensure all concerns about adult conduct are listened to, received in a sensitive manner, taken seriously, actioned, recorded with clear outcomes.*
- *ensure all concerns that do meet the harm threshold are reported to the LADO within 24 hours*
- *ensure that an appropriate whistleblowing policy that is shared with all staff and volunteers is in place*
- *have policy detailing 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 Warwickshire Safeguarding procedure for the management of allegations is in place. (continued below)*

*This means that staff should:*

- *report any behaviour by colleagues or any other adult working with children in the school/setting that raises concern to the headteacher/*

## 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.

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\*.

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 closure), staff should contact the chair of governors and/or take advice from the Local Authority 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 LADO.

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

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

*This means that staff 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 LADO, 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*

### **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 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 Department for Education, the [Teaching Regulation Agency \(TRA\)](#). 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 or trade union.

All declarations, including nil returns, should be submitted in writing to the headteacher 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**

#### **38.1 Financial Regulations for schools**

All school employees **must comply with the school's and Local Authority's** (where the school is a maintained school) **Financial Regulations**. Employees should familiarise themselves with the regulations but some of the principal employee requirements are summarised below.

#### **38.2 Business Contacts**

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

#### **38.3 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.

#### **38.4 Gifts or hospitality to an employee**

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

### **38.5 Gifts or hospitality to the school**

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

### **38.6 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 (Governing Body if the employee is the headteacher) 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.

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 or Business Manager 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 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 were 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 (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 'Use of reasonable force' (DfE, 2013), 'Behaviours in schools' (DfE, 2022)

**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.

**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 several schools; do I need to inform each school that I am working somewhere else? A13. You must inform the headteacher of each school that you work for several 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:**

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

## 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.

<b>Name:</b>
<b>Post:</b>

**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:**