



# Merchant Taylors' School

## Code of Conduct - Guidance for Safer Working Practice for Adults who Work with Children and Young People

### **Code of Conduct**

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## Section 1: Overview

### 1.1 Background

All adults who come into contact with children in their work have a duty of care to safeguard and promote their welfare. The Children Act 2004, through the Stay Safe outcome of the Every Child Matters Change for Children programme, places a duty on organisations to safeguard and promote the well-being of children. All adults who work with or on behalf of children in Merchant Taylors' School should be competent, confident and safe to do so. 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 recognised that in this area of work tensions and misunderstandings can occur.

It is here that the behaviour of adults can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children. It is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them are safe to do so.

This document seeks to ensure that the duty to promote and safeguard the wellbeing of children is in part, achieved by raising awareness of illegal, unsafe and inappropriate behaviours. Whilst every attempt has been made to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document. It is expected that in these circumstances adults will always advise their senior colleagues of the justification for any such action already taken or proposed. It is also recognised that not all adults who work with children work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by an adult whose work brings them into contact with children. The guidance contained in this document has due regard to current legislation and statutory guidance.

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

Everyone working with children should be familiar with the safeguarding policy in their School (see intranet), procedures and protocols for safeguarding the welfare of children and young people. Adults have a duty to report any safeguarding or welfare concerns to the DESIGNATED SAFEGUARDING LEAD on each site:

- MTBS: Mr Williams (DSL), Mr Green (Deputy DSL)
- MTGS: Mr Lawell (DSL), Mrs Mayne (Deputy DSL)
- MTPS: Mrs Bonfante (DSL), Mr Benbow (Deputy DSL), Mrs Williams (DSL EYFS).

## Section 2: Using the Guidances

**2.1 Purpose of Guidance** It is important that all adults working at Merchant Taylors' School understand that the nature of their work and the responsibilities related to it; place them in a position of trust. This practice guidance provides clear advice on appropriate and safe behaviours for all adults working with children in paid or unpaid capacities, in all settings and in all contexts. The guidance aims to:

- keep children safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;

- assist adults working with children to work safely and responsibly and to monitor their own standards and practice;
- support managers and employers in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided;
- support employers in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
- support safer recruitment practice;
- minimise the risk of misplaced or malicious allegations made against adults who work with children and young people;
- reduce the incidence of positions of trust being abused or misused.

## 2.2 Underpinning Principles

- The welfare of the child is paramount.
- It is the responsibility of all adults to safeguard and promote the welfare of children. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children.
- Adults who work with children 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.
- Adults should work and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- 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 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 prohibition from teaching by the National College of Teaching & Leadership (NCTL).
- Staff should be aware of and understand their establishment's safeguarding policy, arrangements for managing allegations against staff, staff behaviour policy, whistle blowing procedure and their Local Safeguarding Children Board LSCB procedures.
- Adults should continually monitor and review their practice and ensure they follow the guidance contained in this document.

## 2.3 Definitions

**Child:** any child or young person, pupil or student, attending the School. These terms are interchangeable and refer to all children in the School including those who may have reached their 18th birthday including non-Merchant Taylors' School's children e.g. Crescendo, Shine, those using the pool or sports centre.

**Adults:** References to 'adults' or 'volunteers' refer to any adult who is employed, commissioned or contracted to work with or on behalf of the School in either a paid or unpaid capacity. This includes partners or other family members who participate in School events, trips, activities, etc.

**Manager:** Refers to those adults who have responsibility for managing services including the supervision of employees and/or volunteers at any level.

**Employer:** Refers to the School Governors, the employers of the School.

**Allegation:** 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; or,
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

**Safeguarding:** This refers to the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.

**Duty of Care:** The duty which rests upon each person to ensure that all reasonable steps are taken to ensure the safety of a child involved in any activity or interaction. Any person in charge of, or working with children in any capacity is considered, both legally and morally to owe them a duty of care and in schools this is a *higher* duty of care.

### Section 3: Guidance for Safe Working Practice

**3.1 Context** This guidance has been produced to help adults working in Merchant Taylors' School to establish safe and responsive environments which safeguard children and reduce the risk of adults being unjustly accused of improper or unprofessional conduct. *This means that these guidelines apply to all adults working in all settings whatever their position, role, or responsibilities and it will provide guidance where an individual's suitability to work with children has been called into question.*

**3.2 'Unsuitability'** The guidance contained in this document is an attempt to identify what behaviours are expected of adults who work with children. Adults whose practice deviates from this guidance may bring into question their suitability to work with children. *This means that adults should:*

- *discuss any uncertainties or confusion with their line manager*
- *understand what behaviours may call into question their suitability to continue to work with children*

**3.3 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. Whether working in a paid or voluntary capacity, these adults have a duty to keep children safe and to protect them from sexual, physical and emotional harm. Children have a right 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. Failure to do so may be regarded as neglect.

*This means that adults 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.*
- *It is important that all staff understand the new duty on schools to have due regard to the need to prevent pupils from being drawn into terrorism (this is referred to as **The Prevent Duty**).*

The duty of care is in part, exercised through the development of respectful and caring relationships between adults and children. It is also exercised through the behaviour of the adult, which at all times should demonstrate integrity, maturity and good judgement. Higher standards of behaviour are expected from adults who work with children and young people. Merchant Taylors' School have an enviable reputation of excellent relationships within the School. When individuals accept working at the School, they need to understand and acknowledge the responsibilities and trust inherent in that role. Adults who are subject to an allegation should therefore be supported and the principles of natural justice applied.

*Please note that:*

- *safeguarding practices are employed in the recruitment process of staff*
- *safeguarding policies and procedures are in place and monitored annually by a member of the governing body*

- *every three years all staff are updated on safeguarding issues during INSET sessions and each DESIGNATED PERSON (DSL) biennially.*

The Governing Body of a school controls the use of the school premises both during and outside school hours, except where a trust deed allows a person other than the governing body to control the use of premises, or a transfer of control agreement has been made.

Where the Governing Body provides services or activities directly under the supervision or management of school staff the school's arrangements for safeguarding must be followed.

*This means that the Governing Body must:*

- *ensure that appropriate safeguarding policies and procedures are adopted, implemented and monitored in school*
- *ensure that, where services or activities are provided by another body, the body concerned has appropriate safeguarding policies and procedures*

**3.4 Confidentiality** Adults may have access to confidential information about children in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. These details must be kept confidential at all times and only shared when it is in interests of the child to do so. Such information must not be used to intimidate, humiliate, or embarrass the child concerned. If an adult who works with children is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff or the DESIGNATED PERSON (DSL). Confidential information about a child or young person should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the child's identity does not need to be disclosed the information should be used anonymously. There are some circumstances in which a member of staff may be expected to share information about a child, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated safeguarding responsibilities. Whilst adults need to be aware of the need to listen and support children, they must also understand the importance of not promising to keep secrets. Neither should they request this of a child under any circumstances. Additionally, concerns and allegations about adults should be treated as confidential and passed to a senior manager without delay.

*This means that adults:*

- *be clear about when information can be shared and in what circumstances it is appropriate to do so*
- *are expected to treat information they receive about children in a discreet and confidential manner*
- *should seek advice from a senior member of staff if they are in any doubt about sharing information they hold or which has been requested of them*
- *any concerns or allegations should be reported to your DESIGNATED PERSON (DSL) (see 1.2)*

**3.5 Making a Professional Judgement** This guidance cannot provide a complete checklist of what is, or is not appropriate behaviour for adults in all circumstances. There may be occasions and circumstances in which adults have to make decisions or take action in the best interests of the child 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. Such judgements, in these circumstances, should always be recorded and shared with a senior manager.

In undertaking these actions individuals will be seen to be acting reasonably. Adults should always consider whether their actions are warranted, proportionate and safe and applied equitably.

*This means that where no specific guidance exists adults should:*

- *discuss the circumstances that informed their action, or their proposed action, with a senior manager*
- *report any actions which could be misinterpreted to their senior manager*
- *always discuss any misunderstanding, accidents or threats with a senior manager*
- *always record discussions and reasons why actions were taken*
- *record any areas of disagreement about course of action taken and if necessary referred to one of the Headteachers*

**3.6 Power and Positions of Trust** As a result of their knowledge, position and/or the authority invested in their role, all adults working with children are in positions of trust. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship. A relationship between an adult and a child cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable children. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Adults should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential. 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 (Sexual Offences Act 2003)

*This means that adults should not:*

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

**3.7 Propriety and Behaviour** All adults working with children have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. It is therefore expected that they will adopt higher standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work. There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour. Adults in contact with children should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting. 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 NCTL, a bar from engaging in regulated activity, or action by another relevant regulatory body. The Childcare (Disqualification) Regulations 2009 set out grounds for disqualification under the Childcare Act 2006

where the person or a person living in the same household or employed in the same household meets certain criteria set out in the Regulations. For example, an individual will be disqualified where they have committed a relevant offence against a child; been subject to a specified order relating to the care of a child; committed certain serious sexual or physical offences against an adult; been included on the DBS children's barred list; been made subject to a disqualification order by the court; previously been refused registration as a childcare provider or provider or manager of a children's home or had such registration cancelled. A disqualified person is prohibited from providing relevant early or later years childcare as defined in the Childcare Act 2006 or being directly concerned in the management of such childcare. Schools and private childcare settings are also prohibited from employing a disqualified person in respect of relevant early or later years childcare.

*This means that adults should:*

- *not behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model.*
- *not make, or encourage others to make, unprofessional personal comments which demean or humiliate, or which might be interpreted as such*
- *be aware that behaviour in their personal lives may impact upon their work with children*
- *understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with children*

**3.8 Dress and Appearance** A person's dress and appearance are matters of personal choice and self-expression. However adults should dress in ways which are appropriate to their professional role and this may need to be different to how they dress when not at work. Adults who work with children should ensure they take care to ensure they are dressed appropriately for the tasks and the work they undertake. Those who dress in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations.

*This means that adults 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 and is culturally sensitive*

**3.9 Personal Living Space** No child should be in or invited into, the home of an adult who works with them, unless the reason for this has been firmly established and agreed with parents/carers. Under no circumstances should children assist with chores or tasks in the home of an adult who works with them. Neither should they be asked to do so by friends or family of that adult.

*This means that adults should:*

- *be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations*
- *challenge any request for their accommodation to be used as an additional resource for the organisation*
- *be mindful of the need to maintain professional boundaries*

- *refrain from asking children to undertake personal jobs or errands (there are two specific instances where this would be acceptable: if you have your own child in school and have his/her friends in the house or if you are personally friends with a family who have a child in the school)*

### **3.10 Gifts, Rewards and Favouritism**

a) The giving of gifts or rewards to children should be part of an agreed policy for supporting positive behaviour or recognising particular achievements. 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 will be part of an agreed plan, recorded and discussed with senior manager. It is acknowledged that there are specific occasions when adults may wish to give a child a personal gift. This is only acceptable practice where, in line with the agreed policy, the adult has first discussed the giving of the gift and the reason for it, with the senior manager and the action is recorded. Any gifts should be given openly and not be based on favouritism. Adults need to be aware however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or as a form of grooming. Adults should exercise care when selecting children for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection are always transparent and subject to scrutiny, including prizes and scholarships. Staff should exercise care when selecting pupils for school teams, productions, trips and/or specific work tasks 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, agreed criteria.

b) Care should also be taken to ensure that adults 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 adults e.g. on special occasions 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.

*This means that adults should:*

- *be aware of the School's guidance on the giving and receiving of gifts*
- *ensure that gifts received or given in situations which may be misconstrued are **declared** to the relevant Head*
- *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 (i.e. UP TO £10)*
- *ensure that all selection processes which concern children are fair and that wherever practicable these are undertaken and agreed by more than one member of staff*

**3.11 Infatuations** and 'crushes': All staff need to recognise that it is not uncommon for pupils to be strongly attracted to a member of staff 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 who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the Head or most

senior manager. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

The Head (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 adults should:*

- *report and record themselves and with the DESIGNATED PERSON (DSL) any incidents or indications (verbal, written or physical) that suggest a child may have developed an infatuation with an adult in the workplace*
- *always acknowledge and maintain professional boundaries*

**3.12 Communication with Children (including the Use of Technology)** Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, emails, digital cameras, videos, web-cams, websites and blogs. It is now recognised that e.safety risks are posed more by behaviours and values than the technology itself. Adults working in this area must therefore ensure that they establish safe and responsible online behaviours. This means working to local and national guidelines on acceptable use policies. Adults should not share any personal information with a child. They should not request, or respond to, any personal information from the child, other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny. Adults should also be circumspect in their communications with children so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to children including email, home or mobile telephone numbers, unless the need to do so is agreed with senior management (e.g. for sports fixtures, D of E, CCF or fieldtrips). Email or text communications between an adult and a child outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites. Internal email systems should only be used in accordance with the School's ICT Acceptable Use Policy. Staff should, in any communication with children, also follow the guidance in section 7 'Propriety and Behaviour'.

*This means that adults should:*

- *be aware of each School's Communication Policy*
- *sign the **ICT Acceptable Use Policy***
- ***not give their personal contact details to children, including their mobile telephone number unless agreed by their senior manager***
- *only make contact with children for professional reasons and in accordance with School policy*
- *recognise that text messaging is rarely an appropriate response to a child in a crisis situation or at risk of harm. It should only be used as a last resort when other forms of communication are not possible*
- *not use internet or web-based communication channels to send personal messages to a child*
- *not use personal/home email addresses (use the school provided address)*
- *ensure that personal social networking sites are set as private and pupils are never listed as approved contacts*
- *never use or access social networking sites of pupils.*

**3.13 Social Contact** If a child or parent seeks to establish social contact, or if this occurs coincidentally, the adult should exercise her/his professional judgement in making a response. Adults should not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. Nevertheless, there must be awareness on the part of those working with children and young people that some social contacts, especially where these are not common knowledge can be misconstrued as being part a grooming process, and if necessary, should always discuss the situation with their manager or with the parent of the child. Where social contact is an integral part of work duties, e.g. pastoral work, care should be taken to maintain appropriate personal and professional boundaries. This also applies to social contacts made through interests outside of work or through the adult's own family or personal networks. It is recognised that some adults may support a parent who may be in particular difficulty. Care needs to be exercised in those situations where the parent comes to depend upon the adult for support outside their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency such as the Regional Support Officer, Police. 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. 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 judgment. This also applies to social contacts made through outside interests or the staff member's own family. Some staff may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the staff member or seeks support outside of their professional role this should be discussed with senior management and where necessary referrals made to the appropriate support agency. 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.

*This means that adults should:*

- *have no secret social contact with children or their parents*
- *consider the appropriateness of the social contact according to their role and nature of their work*
- *if there is any concern advise senior management of any social contact they have with a child or a parent with whom they work,*
- *report and record any situation, which may place a child at risk or which may compromise the School or their own professional standing*
- *be aware that the sending of personal communications on an individual basis, such as birthday or faith cards, should always be recorded and/or discussed with line manager.*
- *understand that some communications may be called into question and need to be justified.*

### **3.14 Sexual Contact**

**a)** All adults should clearly understand the need to maintain appropriate boundaries in their contacts with children. Intimate or sexual relationships between children and the adults who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable. Any sexual activity between an adult and the child with whom they work may be regarded as a criminal offence and will always be a matter for

disciplinary action. Children are protected by specific legal provisions regardless of whether the child consents or not. The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts.

**b)** It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Keeping Children Safe in Education' defines sexual abuse as "forcing or enticing a child to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening". 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. Adults should be aware that consistently conferring inappropriate special attention and favour upon a child might be construed as being part of a 'grooming' process and as such will give rise to concerns. 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.

**c)** Please note that during Sex Education lessons there should not be any references to yourself or your own sexual practices.

*This means that adults should not:*

- *have sexual relationships with children*
- *have any form of communication with a child which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, email, phone calls, texts, physical contact*
- *make sexual remarks to, or about, a child*
- *discuss their own sexual relationships with or in the presence of children*
- *ensure that their relationships with children 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 dealing with adolescent boys and girls.*

**3.15 Physical Contact** There are occasions when it is entirely appropriate for adults to have some physical contact with the child with whom they are working. However, it is crucial that in all circumstances, adults should only touch children in ways which are appropriate to their professional or agreed role and responsibilities. Not all children feel comfortable about physical contact, and adults should not make the assumption that it is acceptable practice to use touch as a means of communication. Permission should be sought from a child before physical contact is made. Where the child is very young, there should have been a discussion with the parent or carer about what physical contact is acceptable and/or necessary. When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. 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. Adults, nevertheless, should use their professional judgement at all times, 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 child for the minimum time necessary. Physical contact which occurs regularly with an individual child is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed plan or within the parameters of established, agreed and legal professional protocols on physical contact e.g. sport activities or medical procedures.

Any such arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny. Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If an adult believes that their action could be misinterpreted, or if an action is observed by another as being inappropriate or possibly abusive, the incident and circumstances should be reported to the senior manager outlined in the procedures for handling allegations and an appropriate record made.

Where a child seeks or initiates inappropriate physical contact with an adult, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the child and advice and support given to the adult concerned. It is recognised that some children who have experienced abuse may seek inappropriate physical contact. Adults should be particularly aware of this when it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to some actions being misinterpreted. In all circumstances where a child initiates inappropriate physical contact, it is the responsibility of the adult to sensitively deter the child and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager. A general culture of 'safe touch' should be adopted, where appropriate, to the individual requirements of each child. Pupils with 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 adults 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. If intimate care is necessary, two adults should be present.*
- *always be prepared to report and explain actions and accept that all physical contact be open to scrutiny*
- *not indulge in horseplay*
- *always encourage children, where possible, to undertake self-care tasks independently*
- *work within H&S regulations*
- *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*
- *refer to the Safeguarding Policy/Manual Handling Policy*

**3.16 Other Activities that require Physical Contact** Adults who work in certain settings, e.g. sports, performing arts, music, one-to-one tuition or outdoor activities will have to initiate some physical contact with children, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child so they can perform an activity safely or prevent injury. Such activities should be carried out in accordance with existing codes of conduct, regulations, best practice and current Risk Assessments which are held departmentally. Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. Contact should be relevant to their age or understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the child. Any incidents of physical contact that cause concern or fall outside of normal practice should be reported to the senior manager. It is good practice if

all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Guidance and protocols around safe and appropriate physical contact may be provided, for example by sports governing bodies and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent or carer.

*This means that adults should:*

- *treat children with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a child the reason why contact is necessary and what form that contact will take*
- *consider alternatives, where it is anticipated that a child might misinterpret any such contact*
- *be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*
- *be aware of gender, cultural or religious issues that may need to be considered prior to initiating physical contact*
- *refer to the Safeguarding Policy/Manual Handling Policy*

**3.17 Behaviour Management** All children have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour. Adults should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children is not acceptable in any situation. All sanctions or rewards used should be part of School policy. The use of corporal punishment is not acceptable and whilst there may be a legal defence for parents who physically chastise their children, this does not extend, in any circumstances, to those adults who work with or on behalf of children and young people. Where children display difficult or challenging behaviour, adults must follow the Behaviour & Sanctions Policy and use 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 strategies have failed. Where a child has specific needs in respect of particularly challenging behaviour, a positive handling plan may be drawn up and agreed by all parties. Only in these circumstances should an adult deviate from the behaviour management policy of the organisation.

*This means that adults should:*

- *not use force as a form of punishment*
- *try to defuse situations before they escalate*
- *inform parents of any behaviour management techniques used and inform or involve senior managers*
- *adhere to the School's policy*
- *be mindful of factors which may impact upon a child's behaviour e.g. bullying, abuse and where necessary take appropriate action*

**3.18 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 adults and organisations must have regard to government guidance and legislation in the development and implementation of their own policies and practice. The use of physical intervention should, wherever possible, be avoided. It should only be used to manage a child or young person's behaviour if it is necessary to prevent personal injury to the

child, other children or an adult, to prevent serious damage to property or in what would reasonably be regarded as exceptional circumstances. When physical intervention is used it should be undertaken in such a way that maintains the safety and dignity of all concerned. The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they may cause. The minimum necessary force should be used and the techniques deployed in line with recommended policy and practice. Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to all adults and organisations working with children requires that reasonable measures are taken to prevent children being harmed. The use of unwarranted physical force is likely to constitute a criminal offence.

*This means that adults should:*

- *adhere to the school's physical intervention policy and liaise with DESIGNATED PERSON (DSL)*
- *always seek to defuse situations*
- *always use minimum force for the shortest period necessary*
- *record and report as soon as possible after the event any incident where physical intervention has been used.*

**3.19 Children in Distress** There are some occasions when a distressed child needs comfort and reassurance and this may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. Adults should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries. Where an adult has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager and parents/carers.

*This means the adult should:*

- *consider the way in which they offer comfort and reassurance to a distressed child and do it in an age appropriate way*
- *be circumspect in offering reassurance in one to one situations, but always record such actions in these circumstances*
- *never touch a child in a way which may be considered indecent*
- *record and report situations which may give rise to concern from either party*
- *not assume that all children seek physical comfort if they are distressed*

**3.20 Intimate Care** Some job responsibilities necessitate intimate physical contact with children on a regular basis, for example assisting young children with toileting or in the provision of medical care. The nature, circumstances and context of such contact should comply with professional codes of practice or guidance and/or be part of a formally agreed plan, which is regularly reviewed. The emotional responses of any child to intimate care should be carefully and sensitively observed, and where necessary, any concerns passed to senior managers and/or parents/carers. All children have a right to safety, privacy and dignity when contact of a physical or intimate nature is required and depending on their abilities, age and maturity should be encouraged to act as independently as possible. The views of the child should be actively sought, wherever possible, when drawing up and reviewing formal arrangements. As with all individual arrangements for intimate care needs, agreements between the child, parents/carers and the organisation must be negotiated and recorded.

*This means that adults should:*

- *adhere to the organisation's intimate care guidelines (at MTPS)*
- *make other staff aware of the task being undertaken*
- *explain to the child what is happening*
- *consult with senior managers and parents/carers 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 parents*
- *ensure that any changes to the agreed care plan are discussed, agreed and recorded*

**3.21 Personal Care** Children are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard children and/or satisfy health and safety considerations. This supervision should be appropriate to the needs and age of the children concerned and sensitive to the potential for embarrassment. Adults need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the children with whom they work.

*This means that adults should:*

- *avoid any physical contact when children are in a state of undress*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms announce their intention of entering if they are in a non-supervisory capacity*
- *not change in the same place as children*
- *not shower or bathe with children*
- *not assist with any personal care task which a child can undertake by themselves*
- *where children change in classrooms the member of staff in charge should prevent unwanted visitors*

**3.22 First Aid and Administration of Medication: Health and safety legislation places duties on all employers to ensure appropriate health and safety policies and equipment are in place and an appropriate person is appointed to take charge of first-aid arrangements.** Any employee may volunteer to undertake this task but it is not a contractual requirement and appropriate training should be given before an individual takes on a role which may require administering first aid or medication.

When administering first aid, wherever possible, adults should ensure that another adult is aware of the action being taken. If a member of staff is concerned or uncertain about the amount or type of medication being given to a pupil, this should be discussed with the appropriate senior colleague at the earliest opportunity. Parents should always be informed when first aid has been administered. In circumstances where children need medication regularly a health care plan will have been established to ensure the safety and protection of children and the adults who are working with them. Depending upon the age and understanding of the child, they should where appropriate, be encouraged to self-administer medication or treatment including, for example any ointment, use of inhalers. 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. Employers are also responsible for managing the performance of their employees and

for ensuring they are suitable to work with children. A Risk assessment is likely to recommend that staff medication on the premises must be securely stored and out of reach of children at all times.

*This means that adults should:*

- *adhere to the School's First Aid Policy for administering first aid or medication and comply with the necessary reporting requirements*
- *make other adults aware of the task being undertaken*
- *explain to the child what is happening*
- *always act and be seen to act in the child's best interests*
- *report and record any administration of first aid or medication*
- *have regard to any health plan which is in place*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities.*

**3.23 One to One Situations** It is not realistic to state that one to one situations should never take place. One to one situations have the potential to make children more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with children may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure the safety and security of children and the adults who work with them. Adults are offered Safeguarding training and guidance in the use of any areas of the workplace which may place themselves or children in vulnerable situations.

*This means that adults should:*

- *avoid meetings with a child in remote, secluded areas,*
- *always inform other colleagues and/or parents/carers about the contact(s) beforehand, assessing the need to have them present or close by*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy - always report any situation where a child becomes distressed or angry to a senior colleague*
- *carefully consider the needs and circumstances of the child/children when in one to one situations*

**3.24 Home Visits:** All work with pupils and parents should, wherever possible, be undertaken in the school or other recognised workplace. There are however occasions, in response to urgent or specific situations, where it is necessary to make one-off or regular home visits.

Under no circumstances should an adult visit a child in their home outside agreed work arrangements or invite a child to their own home or that of a family member, colleague or friend. If in an emergency, such a one-off arrangement is required, the adult must have a prior discussion with a senior manager and the parents or carers and a clear justification for such arrangement is agreed and recorded.

In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard pupils and the adults who work with them.

A risk assessment should include an evaluation of any known factors regarding the child/young person, parents and others living in the household. Risk factors such as hostility, safeguarding concerns, complaints or grievances can make adults more vulnerable to an allegation. Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following an assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no

information is available, visits should not be made alone.

*These means that adults should:*

- *agree the purpose for any home visit with senior management*
- *always make detailed records including times of arrival and departure and work undertaken*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate action is taken*
- *have access to a mobile telephone and an emergency contact person*
- *will not make a visit on their own unless agreed with a manager*
- *NEVER make such a visit alone*

**3.25 Transporting Children** There will be occasions when adults are expected or asked to transport children as part of their duties. Adults, who are expected to use their own vehicles for transporting children should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded. It is a legal requirement that all passengers should wear seat belts and it is the responsibility of the staff member to ensure that this requirement is met (i.e. business insurance). Adults should also be aware of current legislation and adhere to the use of car seats for younger children. Where adults transport children in a vehicle which requires a specialist license/insurance e.g. PCV or LGV staff should ensure that they have an appropriate licence and insurance to drive such a vehicle and in a school minibus they must have undergone training and hold a D1 Licence. It is inappropriate for adults to offer lifts to a child outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/carers. There may be occasions where the child requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

*This means that all organisations should have appropriate policies for transporting children.*

*This means that adults should:*

- *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*
- *be aware that the safety and welfare of the child is their responsibility until they are safely passed over to a parent/carer*
- *record details of the journey in accordance with agreed procedures*
- *ensure that their behaviour is appropriate at all times*
- *ensure that there are proper arrangements in place to ensure vehicle, passenger and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven*
- *ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified if questioned*

**3.26 Trips and Outings/Educational Visits & After School Activities** Adults should take particular care when supervising children on trips and outings, where the setting is less formal than the usual workplace. Adults remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries. Where activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings must pay careful attention to ensuring safe staff/child ratios and to the gender mix of staff especially on overnight stays. H&S arrangements require members of staff to keep

colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual environment. 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-advice-for-schools](https://www.gov.uk/government/publications/health-and-safety-advice-for-schools) as well as the School's Educational Visits Policy.

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. Staff should take particular care when supervising pupils in the less formal atmosphere of an educational visit where a more relaxed discipline or informal dress and language code may be acceptable. However, staff 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.

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*This means that adults should: -*

- *always have another adult present in out of workplace activities, unless otherwise agreed with a senior manager*
- *undertake risk assessments in line with the School's Educational Visits policy*
- *have parental consent to the activity*
- *ensure that their behaviour remains professional at all times(see section 7)*
- *never share beds with a child/children*
- *not share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with senior manager, parents and children.*

**3.27 Photography and Videos** Working with children may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and wellbeing of children. Parental consent has been requested for recording images through the *Terms and Conditions* on entry to the School. Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings. It is not appropriate for adults to take photographs of children for their personal use.

*This means that adults should: -*

- *be clear about the purpose of the activity and about what will happen to the images when the activity is concluded*
- *be able to justify images of children in their possession*
- *avoid making images in one to one situations or which show a single child with no surrounding context*
- *ensure the child understands why the images are being taken and has agreed to the activity and that they are appropriately dressed.*
- *only use equipment provided or authorised by the organisation*
- *report any concerns about any inappropriate or intrusive photographs found*
- *not use images which may cause distress*
- *not use mobile telephones to take images of children*
- *not take images 'in secret', or take images in situations that may be construed as being secretive.*
- *should establish whether the image may be retained for further use*

- *images should be securely stored and used only by those authorised to do so.*
- *if an image is used, avoid naming the child, (or, as a minimum, use first names rather than surnames)*

**3.28 Access to Inappropriate Images and Internet Usage** There are no circumstances that will justify adults possessing indecent images of children. Adults who access and possess links to such websites will be viewed as a significant and potential threat to children. Accessing, making and storing indecent images of children on the internet is illegal. This will lead to criminal investigation and the individual being prohibited from working with children, if proven. Adults should not use equipment belonging to their organisation to access adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work with children. Adults should ensure that children are not exposed to any inappropriate images or web links. School practice needs to ensure that internet equipment used by children have the appropriate controls with regards to access. e.g. personal passwords should be kept confidential. Where indecent images of children or other unsuitable material are found, the police and Local Authority Designated Officer (LADO) should be immediately informed. Adults should not attempt to investigate the matter or evaluate the material themselves, as this may lead to evidence being contaminated which in itself can lead to a criminal prosecution.

*This means that adults should:*

- *read and sign the internet policy documentation provided by the School*
- *ensure that children are not exposed to unsuitable material on the internet*
- *ensure that any films or material shown to children are age appropriate (i.e. both teaching and recreational material must be age-checked)*

**3.29 Overnight Supervision and Examinations** There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process. In these circumstances examination boards may allow candidates to take an examination the following morning, including Saturdays. The supervision of a candidate on journeys to and from the centre and overnight may be undertaken by the candidate's parent/carer or centre staff. The examination board requires the centre to determine a method of supervision which ensures the candidate's wellbeing. As a result in some circumstances staff may be asked to volunteer to supervise students perhaps in their own homes. The overriding consideration should be the safeguarding of both the pupil and staff and where arrangements are made for a staff member to supervise a pupil overnight then all necessary safeguards should be in place

*This means that:*

- *We will ensure that all arrangements reflect a duty of care towards pupils and staff*
- *Where staff do supervise candidates overnight: a full health and safety risk assessment will have been undertaken*
- *all members of the household will have had appropriate vetting including, where eligible, DBS and barred list checks*
- *all arrangements should be made in partnership and agreement with the pupil and parents/carers*
- *arrangements involving one to one supervision will be avoided wherever possible.*
- *as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision*

- *whenever possible, independent oversight of arrangements should be made*
- *any situation which gives rise to complaint, disagreement or misunderstanding should be reported*
- *staff should have regard to any local and national guidance*

**3.30 Curriculum** Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity and care should especially be taken in those areas of the curriculum where usual boundaries or rules are less rigorously applied, for example, Drama

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

Care should 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 sex and relationships education (SRE). It should be noted that parents have the right to withdraw their children from all or part of any sex education provided but not from the National Curriculum for Science

*This means that adults should:*

- *have clear written lesson plans*
- *take care when encouraging pupils to use self-expression, not to overstep personal and professional boundaries*
- *be able to justify all curriculum materials and relate these to clearly identifiable lessons plans.*
- *not enter into or encourage inappropriate discussions about sexual activity or any behaviours which may offend or harm others*

**3.31 Whistle blowing** Whistle blowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. The whistle blowing policy is on the intranet. Adults who use whistleblowing procedure should be made aware that their employment rights are protected. Adults should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

- *This means that adults should report any behaviour by colleagues that raises concern regardless of source*

**3.32 Sharing Concerns and Recording Incidents** All Schools re-train staff in their Safeguarding Procedures on a three-yearly basis. All allegations must be taken seriously and properly investigated in accordance with local procedures and statutory guidance. Adults who are the subject of allegations are advised to contact their professional association. In the event of any allegation being made, to someone other than a manager, information should be clearly and promptly recorded and reported to a senior manager without delay. Adults should always feel able to discuss with their line manager any difficulties or problems that may affect their relationship with children so that appropriate support can be provided or action can be taken. It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of adults working with or on behalf of children and young people.

*This means that adults:*

- *should be familiar with the School's system for recording concerns*
- *should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the workplace*

**Other Policies for Reference:**

Safeguarding Policy

ICT Acceptable Usage Policy

Whistleblowing Policy

Guidance for Safer Working Practice for those working with children and young people in education settings (May 2019)

KCSIE