




“I have come in order that you might have life – life in all its fullness.”  
John 10:10

## **Staff Code of Conduct (Staff Behaviour Policy)**

**Includes:**

- **Guidance for safer working practice**
- **Dignity at work**

<b>Policy accepted by FGB on:</b>	16/10/2017
<b>Next review:</b>	Summer 2020
<b>Signed (Chair of Governors):</b>	
<b>Statutory policy:</b> Yes/No	<b>On school website:</b> Yes/No

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# **STAFF CODE OF CONDUCT (STAFF BEHAVIOUR POLICY)**

(This policy is based on *Guidance for safer working practice for those working with children and young people in education settings* (DfE, 2015) and on model Local Authority policies from Hertfordshire, Somerset and Warwickshire.)

## **Section 1: Overview**

### **1.1 Status and scope of the Staff Code of Conduct**

This Staff Code of Conduct (the Code) is the school's Staff Behaviour Policy as required by *Keeping children safe in education* (DfE, 2016). The Code is a core component of the school's strategy to fulfil its statutory responsibilities to safeguard and promote the welfare of all children.

The Code highlights the principal areas and responsibilities that all school staff (i.e. governors, senior leaders, employees and volunteers who work for or on behalf of the school, whether full-time or part-time, temporary or permanent) need to be aware of. The Code provides staff with a framework for appropriate and safe behaviour. Therefore, it is essential that all staff have read and understood the Code, and have signed to confirm this.

The Code applies to the working relationships between a member of staff and other staff, parents/carers, children, members of the public, and representatives of agencies, contractors and partner organisations.

The Code applies to all working arrangements, including use of emails and social networking sites, and places where legitimate school activity is carried out, and extends to work-related social functions.

### **1.2 School vision**

At all times and in all circumstances, all staff are expected to respect, uphold and conduct themselves in accordance with the Code and the school's Christian vision, ethos and values which underpin it.

In addition, all staff have personal and legal 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 set out below and should be fully observed by all staff.

### **1.3 Setting a good example**

All staff are expected to set an example of appropriate behaviour which can be copied by children and adults. Staff must, therefore, demonstrate the highest standards of conduct in order to encourage children to do the same.

All staff must also avoid putting themselves at risk of allegations of abusive or unprofessional conduct. This Code helps all staff to understand what behaviour is and is not acceptable.

Unacceptable behaviour such as discrimination, bullying, harassment or intimidation will not be tolerated by the school. This includes physical and verbal abuse, and use of inappropriate, offensive, abusive, threatening or discriminatory language or unprofessional behaviour directed towards anyone else, whether an adult or a child, in any context.

#### **1.4 Compliance with the Staff Code of Conduct**

The Code forms part of an employee's contract of employment. All staff need to recognise that failure to fully comply with the Code and meet expected standards of behaviour and conduct may result in disciplinary and/or legal action, including dismissal.

All staff employed under Teachers' Terms and Conditions of Employment have a statutory obligation to adhere to the *Teachers' Standards 2012* and, in specific relation to this policy, Part 2 of the Teachers' Standards concerning Personal and Professional Conduct.

The Code will be provided (either electronically or as a paper copy) to all staff before they commence work at or on behalf of the school. Before having any contact with pupils, all staff will 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.

#### **1.5 Aims of the Staff Code of Conduct**

The Code 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 school leaders in setting clear expectations of behaviour in schools;
- give a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary and/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.

The Local Authority Designated Officer (LADO) should be informed within one working day of all allegations that a member of staff 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 she or he would pose a risk of harm if they work regularly or closely with children.

#### **1.6 Policies to be read in conjunction with the Staff Code of Conduct**

- Acceptable Use Policy
- Allegations Management Policy

- Child Protection and Safeguarding Policy
- Governor Policy (incl. Governors' Code of Conduct)
- Health and Safety Policy
- Intimate Care Policy
- Lone Working Policy
- Medicines Policy
- Off-Site Visits and Activities Policy
- Safer School Recruitment Policy
- School Behaviour (Pupil Discipline) Policy
- Staff Discipline, Conduct and Grievance Policy (incl. Grievance Procedure)
- Whistle-Blowing Policy

## **Section 2: Dignity and respect at work**

### **2.1 Agreed standards of behaviour**

- All staff are expected to treat each other with dignity and respect at all times.
- All staff have the right to be supported and appreciated, rather than undermined or humiliated.
- Inappropriate behaviour of any kind, which is based on personal characteristics, whether or not those characteristics are protected under the law, will not be tolerated.
- All staff have a right to complain if they feel they have suffered a detriment as a result of bullying, harassment, discrimination or victimisation, without fear of ridicule or reprisal. (For legal definitions of prohibited conduct, see Appendix F, below.)
- The school Grievance Procedure (set out in the school's Staff Discipline, Conduct and Grievance Policy) provides a means to deal with staff complaints seriously, promptly and confidentially with the objective of achieving a resolution in a non-adversarial way whilst providing appropriate support to both parties.
- Appropriate disciplinary and/or legal action, which may include dismissal, will be taken where a complaint is proven.
- A complaint found to have been malicious or frivolous could itself provide grounds for disciplinary action against the complainant.

### **2.2 Responsibilities for promoting dignity and respect**

**a) All staff** have a responsibility to help create and maintain a work environment free of any form of bullying, harassment, victimisation and discrimination by:

- treating everyone with dignity and respect, remembering to treat others as they would want to be treated;
- making it clear that they find harassment and bullying unacceptable;
- reporting harassment or bullying to their manager or an appropriate governor and supporting the Headteacher and Senior Leadership Team (SLT) in the investigation of complaints;

- intervening, if possible, to stop bullying, harassment, victimisation and discrimination, and giving support to recipients;
- being aware of how their own behaviour may affect others and changing it, if necessary;
- being aware that individuals can still cause offence even if they are “only joking”;
- taking a stand if they think inappropriate jokes or comments are being made;
- avoiding gossip and negativity as this breeds resentment and becomes an obstacle to trusting relationships, effective communication and collaboration;
- taking active steps to divert conversations away from gossip and negativity;
- using positive/respectful language, rather than negative/demeaning language, when communicating (whether speaking or writing);
- using a calm tone of voice at all times so that the listener is able to follow the words being spoken without feeling threatened or uncomfortable;
- avoiding the use of sarcastic words or phrases which demean or embarrass another person;
- speaking respectfully to adults and children, even if/especially when we disagree with them;
- maintaining confidentiality and respecting the wishes of others (unless this conflicts with a safeguarding responsibility);
- behaving in a positive way, despite any personal problems that they may have, especially in front of the children.

**b) The Headteacher and SLT** have additional responsibilities to take steps to prevent any form of bullying, harassment, victimisation and discrimination from occurring by:

- setting a good example by their own attitudes, behaviour and standards of professional conduct;
- creating a supportive working environment, where any jokes, remarks, banter or gossip that might cause offence to – or undermine the integrity and professional standing of – another member of staff on any grounds is not permitted;
- properly briefing all staff as to the types of conduct and speech that might cause offence to others and make it clear that such behaviour is unacceptable; and
- encouraging staff to report specific incidents and/or general concerns; and
- not prejudging or victimising the complainant(s) or subject(s) of the complaint if a complaint of bullying, harassment, victimisation and discrimination is made.

The Headteacher and SLT must therefore:

- intervene to stop bullying, harassment, victimisation and discrimination;
- deal with any complaint about bullying, harassment, victimisation or discrimination in a serious, objective and expeditious manner;
- provide appropriate confidential support to all parties.

**c) The Headteacher** must seek advice on the procedure to be followed, maintain appropriate confidentiality insofar as is legitimately possible and ensure that, after a complaint has been resolved, there are no further problems of bullying, harassment, victimisation or discrimination. She/he must record all decisions and advice given.

**d) Governors** must be committed to dealing with incidents of bullying, harassment, victimisation and discrimination where the alleged perpetrator is a governor. Incidents involving governors should be reported to the Headteacher, Chair of Governors or the Chair of the Personnel Committee. (See the school's Governor Policy.)

## **2.3 Recording**

The Health and Safety Executive "Violence at Work" guidelines recognise that violence includes "any incident in which a person is abused, threatened or assaulted in circumstances that relate to their work".

Any violent incident involving a member of staff and a service user or a member of the public should be dealt with in accordance with health and safety guidelines.

## **Section 3: Guidance for safer working practices**

### **3.1 Context**

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

### **3.2 "Unsuitability"**

The guidance contained in this Code is endorsed and recommended by the Department for Education (DfE) and the Safer Recruitment Consortium (SRC). The Code identifies what behaviours are expected of staff who work with children in or on behalf of the school. Adults whose practice deviates from this Code may bring into question their suitability to work with children and young people.

### **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 and young people.

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.

Everyone expects high standards of behaviour from adults who work with children. When individuals accept such work, they need to understand and acknowledge the responsibilities and trust inherent in that role.



Employers also have a duty of care towards their staff under the Health and Safety at Work etc. Act 1974. This requires them to provide a safe working environment for adults and provide guidance about safe working practices.

### **3.4 Confidentiality**

Staff may have access to confidential information about children and young people in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. Such information must be kept confidential at all times, should never be used casually in conversation and should only be shared when it is in the best interests of the child to do so and by agreement with a senior member of staff or Designated Safeguarding Lead.

In circumstances where the child's identity does not need to be disclosed, the information should be used anonymously. Confidential information about a child must never be used to intimidate, humiliate, or embarrass the child concerned.

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 in accordance with the school's Child Protection and Safeguarding Policy.

Whilst staff 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 to keep secrets that relate in any way to the safety or well-being of any individual. Neither should they request this of a child or young person under any circumstances.

If staff are in any doubt about whether to share information or keep it confidential, they should seek guidance from a senior member of staff or Designated Safeguarding Lead.

The storing and processing of personal information about children and young people is governed by the Data Protection Act 1998.

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.

There are circumstances in which staff are obliged to release pupil data, for example parents seeking information about pupil progress or other colleagues in the school. Staff should be aware that, from time to time, information about staff salaries is matched with other public sector information (tax office records, Police) in terms of a legal obligation and in order to prevent fraudulent claims.

Everyone has the right to request access to data that is held about them and such requests should be made to the Headteacher.

### **3.5 Making a professional judgement**

This guidance cannot provide a complete checklist of what is or is not appropriate

behaviour for staff in all circumstances. There may be occasions and circumstances in which staff have to make decisions or take action in the best interests of a child which could contravene this guidance or where no guidance exists. Individual members of staff 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 those circumstances, should always be recorded and shared with a senior manager. In undertaking these actions, staff will be seen to be acting reasonably.

Staff should always consider whether their actions are warranted, proportionate and safe, and applied equitably.

### **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 in school are in positions of trust in relation to those children. 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 teach, work with or provide services for and the responsibility they must exercise as a consequence of this relationship.

A relationship between an adult and a child or young person cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people. Staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff should always maintain appropriate professional boundaries 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 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 sexual activity.

### **3.7 Propriety and behaviour**

All adults working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that staff will adopt high 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 when a staff member'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 the school or indicates an unsuitability to work with children or young people. Misuse of drugs or alcohol, or acts of violence would be examples of such behaviour.

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

The behaviour of a member of staff's partner or other family members may raise similar concerns and require careful consideration by the Headteacher as to whether there may be a potential risk to children and young people in school.

### **3.8 Speaking to and about children**

A positive, respectful and encouraging tone should be used at all times. Where it is necessary to challenge inappropriate behaviour or to get children's attention, it is reasonable for staff to raise their voices and/or use an authoritative tone. However, it is not appropriate for staff to shout at children habitually or speak to them disrespectfully. Admonishments should focus on behaviour rather than the child's personality or character, and targets for desired behaviour should be described by the member of staff.

Staff should exercise caution in referring to children by affectionate nicknames and more general terms of endearment or familiarity such as "Dear", "Love", "Petal", "Mate" and "Dude". Likewise, staff should be particularly careful not to refer to children using words that are specifically associated with "grooming" such as "Sweetheart", "Princess", "Angel" and "Darling".

Any such incidents relating to inappropriate language (as exemplified above) that cause concern or fall outside of these protocols and guidance should be reported to the Headteacher/SLT and parents/carers.

### **3.9 Dress and appearance**

A person's dress and appearance are matters of personal choice and self-expression. However, school staff should dress in ways that are appropriate to their role and those may need to be different to how they dress when not at work.

Staff 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 staff should wear clothing which:*

- *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 culturally sensitive.*

### **3.10 Attendance and punctuality**

The school expects that, where relevant, staff will:

- attend work in accordance with their contract of employment and associated terms and conditions in relation to hours, days of work and holidays;
- make routine medical and dental appointments outside of their working hours or during holidays, where at all possible;
- follow the school's procedures regarding special leave if time off is needed for any reason other than personal illness; and
- follow the school's absence reporting procedure when they are absent from work or other school duties due to illness or injury.

### **3.11 The use of personal living space**

No child or young person should be in or invited into the home of a member of staff unless the reason for that has been firmly established and agreed with parents/carers and the Headteacher.

The school does not expect or require that staff use their home or private living space for work with children.

Under no circumstances should pupils assist with chores or tasks in the home of a member of staff. Neither should they be asked to do so by friends or family of any member of staff.

*This means that staff 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 school;*
- *be mindful of the need to maintain professional boundaries;*
- *refrain from asking children to undertake personal jobs or errands.*

### **3.12 Gifts, rewards and favouritism**

The giving of gifts or rewards to children should be part of an agreed policy for promoting and rewarding positive behaviour and/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 or young person will be part of an agreed plan, which is recorded and discussed with a senior manager and parents/carers.

It is acknowledged that there are specific occasions, such as when a child suffers a serious illness or accident, when staff may wish to give a child or young person a 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 a senior manager and/or parent or carer and the action is recorded.

Gifts should be given openly and not be based on favouritism. However, staff need to be aware that the giving of gifts can be misinterpreted by others as a gesture either to bribe or groom a young person. 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.

Staff should exercise care when selecting children and/or young people for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and subject to scrutiny. Care should also be taken to ensure that staff 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, for example as a thank you or to mark a special achievement or occasion, and this is acceptable. However, it is unacceptable for staff to receive gifts on a regular basis or that are of any significant value. (See section 3.40, Financial incentives, below.)

*This means that staff should:*

- *be aware of the school's policy on the giving and receiving of gifts;*
- *ensure that gifts received or given in situations which may be misconstrued are declared;*
- *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;*
- *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.*

### **3.13 Infatuations and “crushes”**

All staff need to recognise that it is not uncommon for children and young people to be strongly attracted to a member of staff and/or develop a “crush” or infatuation. Staff 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 another member of staff, 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, child 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.

### **3.14 Communication with children and young people (*including the use of technology*)**

Staff should be circumspect in their communications with pupils so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as “grooming”. They should therefore ensure that all communications with pupils are transparent, open to scrutiny and compliant with school policies.

Communication between staff and children, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile telephones, text messaging, social networking sites, email, instant messaging, webcams, websites and blogs.

Staff who communicate with children using email, telephone, text or social networking sites should only do so for professional purposes and by use of school accounts and school-owned ICT equipment. Email should only be sent to the child’s school email address.

Staff should not request any personal information from children and should not respond to any requests from or share any personal information with pupils other than that which might be appropriate as part of their professional role. They should not seek contact with or respond to requests for contact from children via personal telephone, text, email or social networking accounts and should not therefore give their personal contact details to children, including email, social networking sites, home or mobile telephone numbers.

Any exception for any reason must be agreed in writing by both the Headteacher/SLT and parents/carers.

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

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

### **3.15 Private use of social networking sites, personal websites and blogs by staff while on school premises or on official duty**

School staff must only access social networking websites for personal use (i.e. non-job-related use) during work time in accordance with the school’s policy.

Access to some journals, blogs and social networking sites is permitted during work time for the purposes of undertaking job-related duties only. School staff must act in the best interests of the school and not disclose personal data or information about any individual, including pupils, members of staff, parents and professionals from external organisations. This includes images. Access may be withdrawn and disciplinary action taken if there is a breach of confidentiality or defamatory remarks are made about the school, pupils, staff, parents or professionals from external organisations.

Staff who wish to set up personal web forums or blogs must do so outside of work and not use school equipment for the purpose.

The school respects staff members' rights to a private life. However, it must also ensure that confidentiality and its reputation are protected. Staff using social networking websites, web forums or blogs in their private life:

- must refrain from identifying themselves as working for the school in a way which has, or may have, the effect of bringing the school into disrepute;
- must not identify other school staff, children or young people;
- must not make defamatory remarks about the school, children, staff, parents/carers, associated professionals or contractors, or conduct themselves in way that is detrimental to the school;
- disclose personal data or information about the school, children, staff, parents/carers, associated professionals or contractors that could breach the Data Protection Act 1998, for example posting photographs or images of children or colleagues;
- must not allow children or their parents/carers to access their personal social networking accounts and where they are contacted by a pupil or parent/carer, bring it to the attention of the Headteacher.

### **3.16 Social contact**

Members of staff should not establish or seek to establish social contact with children or their families for the purpose of securing a friendship or to pursue or strengthen a relationship.

There will be situations and occasions when there are social contacts between children and/or their parents/carers and staff, 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 to the Headteacher. Care should always be taken to maintain appropriate personal and professional boundaries.

If a child or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff 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.

Staff should be aware that social contact in certain situations can be misconstrued as "grooming".

It is recognised that some members of staff may support a parent who may be in particular difficulty, for instance when initiating an Early Help assessment through the CAF process or supporting a parent who experiences difficulties in managing their child's behaviour or a personal crisis such as bereavement, domestic abuse or a relationship breakdown.

Care needs to be exercised in those situations where the parent comes to depend upon the member of staff for support outside their professional role. This situation should be discussed with the Headteacher/SLT and where necessary referrals made to the appropriate support agency.

### **3.17 Sexual contact**

All members of staff should clearly understand the need to maintain appropriate boundaries in their contacts with children and young people. Intimate or sexual relationships between children/young people 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 a member of staff with a child or young person under the age of 16 will be regarded as a criminal offence. Any sexual activity between a member of staff with a child, irrespective of the latter's age, will always be a matter for disciplinary action and – if the child is 16 or 17 years old – may be regarded as a criminal offence.

Children and young people are protected by specific legal provisions regardless of whether the child or young person consents or not. 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, 2015) defines sexual abuse as “forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening”.

There are occasions when adults embark on “grooming” behaviour, the aim of which is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. Staff 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 about their behaviour.

### **3.18 Physical contact**

There are occasions when it is entirely appropriate for staff to have some physical contact with children with whom they are working. However, it is crucial that adults should only touch children in ways which are necessary and appropriate to their professional or agreed role and responsibilities.

Not all children and young people feel comfortable about physical contact and staff 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 pupil is very young, there should be 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. Nevertheless, staff 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 and written plan or within the parameters of established, agreed and legal professional protocols on physical contact, for example 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 member of staff, or represent a misuse of authority. If a member of staff believes that their action could be misinterpreted, or if an action is observed by another member of staff 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. Parents/carers should also be informed in such circumstances.

Where a child seeks or initiates inappropriate physical contact with a member of staff, 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 member of staff concerned.

It is recognised that some children who have experienced abuse may seek inappropriate physical contact. Staff 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 or young person 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 and the parent/carer.

### **3.19 Other activities that require physical contact**

If members of staff teach sports, drama or outdoor activities, for example, they may have to initiate some physical contact with children in order to demonstrate technique in the use of a particular piece of equipment, adjust posture or perhaps support a child so they can perform an activity safely or prevent injury. Activities should be carried out in accordance with existing codes of conduct, regulations and best practice.

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, that is, one easily observed by

others and last for the minimum time necessary. The extent of the contact should be made clear to the parent/carer and, once agreed, should be undertaken with the permission of the child. Contact should be relevant to their age or level of understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by a child.

Guidance and protocols around safe and appropriate physical contact are provided by national organisations, for example sports governing bodies or major arts organisations, 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 a senior manager and parent or carer.

It is good practice if all parties clearly understand at the outset what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers and children informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

### **3.20 Behaviour management**

All children and young people have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

Staff should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children and young people is not acceptable in any situation. Any sanctions or rewards used should be part of a behaviour management policy which is widely publicised and regularly reviewed.

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, including staff in this school.

Where children display difficult or challenging behaviour, staff must follow the school's behaviour 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 behaviour management 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 a member of staff deviate from the behaviour management policy of the organisation. (See the school's School Behaviour (Pupil Discipline) Policy.)

### **3.21 Use of control and Restrictive Physical Intervention (RPI)**

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 and the school must have regard to

government guidance and legislation and local guidance produced by the Local Authority as well as the school's behaviour management and safeguarding policies.

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 child in question 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, for example Team Teach.

Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to the school and all staff 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 and will be reported and investigated to the LADO.

When/where RPI may need to be used regularly, that is, where staff are working with children with extreme behaviours associated with emotional difficulties, learning disabilities or autistic spectrum disorders, individual care plans, drawn up in consultation with parents/carers and where appropriate, the child, should set out the strategies and techniques to be used and those which should be avoided. Risk assessments should be carried out where it is foreseeable that restrictive physical intervention may be required.

In all cases where physical intervention occurs the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the child. The parents/carers should be informed on the same day. (See the school's School Behaviour (Pupil Discipline) Policy.)

### **3.22 Children and young people in distress**

There may be some occasions when staff 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 or separation from a parent. Staff should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

It is important to reiterate that not all children and young people feel comfortable about physical contact and staff should not make the assumption that it is acceptable practice to use touch as a means of providing comfort and reassurance. Permission should be sought from a child before physical contact is made.

It is important that staff take particular care when working with a child on a one-to-one basis.

Where a member of staff 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.

*This means staff should:*

- *consider the way in which they offer comfort and reassurance to a distressed child and do that in an age-appropriate way;*  
*be circumspect in offering reassurance in one-to-one situations, but always record such actions in these circumstances;*
- *follow professional guidance and this Code;*
- *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.*

### **3.23 Intimate care**

Some job responsibilities necessitate intimate physical contact with children on a regular basis, for example assisting young children with toileting, providing intimate care for children with disabilities 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 and written care plan which is regularly reviewed. The additional vulnerabilities that may arise from a physical or learning disability should be taken into account and be recorded as part of an agreed care plan. 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 school must be negotiated and recorded. (See the school's Intimate Care Policy.)

### **3.24 Personal care**

Children and young people 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 young people 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.

Staff 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.

When supervising children or young people who are in the course of dressing or undressing as part of curriculum activities such as sport, swimming, dance or drama; or while engaged in a residential visit, staff need to seek a balance between safeguarding children, for instance by ensuring that bullying does not take place, and respecting children's entitlement to privacy when changing and in a state of undress. Staff should therefore announce their intention of entering a changing room or dormitory, maintain a brisk and businesslike presence but avoid lingering in the room, looking at and any form of physical contact with a child while they are in a state of undress.

### **3.25 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 member of staff 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.

Some pupils may need medication during school hours. In circumstances where children need medication regularly, a healthcare plan should be drawn up to ensure the safety and protection of children and staff. With the permission of parents, children should be encouraged to self-administer medication or treatment, including, for example, any ointment, sun cream or use of inhalers.

If a member of staff is concerned or uncertain about the amount or type of medication being given to a child, provided by a parent/carer or prescribed, this should be discussed with the appropriate senior colleague at the earliest opportunity. When administering First Aid, wherever possible, staff should ensure that another adult is present, or aware of the action being taken. Parents should always be informed when First Aid has been administered. (See the school's Medicines Policy.)

### **3.26 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 might find themselves working with children on a one-to-one basis.

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

to the reasons for this, a risk assessment should be completed and safety arrangements for the child and adult agreed. Staff should maintain an awareness of any areas of the school which may place themselves or children in vulnerable situations.

One-to-one situations have the potential to make a child/young person more vulnerable to harm by those who seek to exploit their position of trust. Staff working on a one-to-one basis 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. These might include, for example, staff working on a one-to-one basis in visible areas; in rooms with doors left open; in alcoves/corridors which afford some quiet and privacy but facilitate other adults passing by periodically; and ensuring that all rooms and areas in which one-to-one work might take place have observation windows. Every attempt should be made to ensure the safety and security of children and the staff who work with them.

There are occasions when managers will need to undertake a risk assessment in relation to the specific nature and implications of one-to-one work. These assessments should take into account the individual needs of the child and the individual member of staff and any arrangements should be reviewed on a regular basis.

Prearranged meetings with pupils away from the school premises should not be permitted unless approval is obtained from their parents/carers and the Headteacher or other senior colleague with delegated authority.

### **3.27 Home visits**

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

In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard children and members of staff who work with them.

A risk assessment should include an evaluation of any known factors regarding the child, parents/carers and others living in the household. Risk factors such as hostility, child protection concerns, complaints or grievances can make staff more vulnerable to allegations being made against them. Specific consideration should be given to visits outside of “school 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.

There will be occasions where risk assessments are not possible or not available, for example when emergency services are used. In these circumstances, a record must always be made of the circumstances and outcome of the home visit. Such records must always be available for scrutiny.

Where a programme of work is to be undertaken in the child's home, an appropriate work space should be provided and a written work plan/contract should be agreed with the child and parent/carer. This should include clear objectives, content, timing, duration of sessions, ground rules, and child protection and confidentiality statements. The plan should take into account the preferences of both the child and parent/carer. There should also be an agreement that the parent/carer or other suitable adult will remain in the home throughout the session.

Where the situation is such that changes in agreed work arrangements are required, a quick assessment will be necessary to determine if the session can continue. The Headteacher or line manager should then be informed as soon as is practically possible. Emergency situations should be reported to the Police or Children's Social Care and to the Headteacher/parent as appropriate.

Under no circumstances should a member of staff 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 member of staff must have a prior discussion with a senior manager and the parents or carers, and a clear justification for such an arrangement must be agreed and recorded.

### **3.28 Transporting children and young people**

There will be occasions when staff are expected or asked to transport children as part of their duties, for example out of school activities. Staff 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.

A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties that may arise.

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

It is a legal requirement that all passengers should wear seat belts and it is the responsibility of the staff member who is driving the vehicle to ensure that this requirement is met. Staff should also be aware of current legislation and adhere to the use of appropriately fitted car seats for younger children. Where adults transport children in a vehicle which requires a specialist licence/insurance, for example PCV or LGV, staff should ensure that they have an appropriate licence and insurance to drive such a vehicle.

It is inappropriate for members of staff to offer lifts to children outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the child's parents/carers.

There may be occasions when a 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.

### **3.29 Educational visits, trips, outings and after-school activities**

Staff should take particular care when supervising children on trips and outings, where the setting is less formal than the usual workplace. Staff 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 out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Children, staff and parents/carers 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.

Health and safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual workplace. (See the school's Lone Working Policy and Off-Site Visits and Activities Policy.)

### **3.30 Photography, videos and other images**

It may be necessary and appropriate for staff, as part of their duties, to take or record images of children as part of curriculum delivery and/or to record children's achievements. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well-being of children and young people.

Informed, age-appropriate consent of the child and their parents/carers should always be sought before an image is taken for any purpose.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken, especially if it is to be used for any publicity purposes, or published in the media or on the Internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

Staff 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. Staff should refer to the school's policy in respect of the publication of images of children on the school website, school social networking sites and other media outlets before publishing or agreeing to the publication of any images of children taken in school.

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

- *if the image is used, avoid naming the child;*
- *if the child is named, avoid using their image;*
- *schools and settings should establish whether the image will be retained for further use, where and for how long;*
- *images should be securely stored and used only by those authorised to do so.*



### 3.31 Access to inappropriate images and Internet usage

#### (a) Illegal activity

There are no circumstances that will justify adults making, downloading, possessing or distributing indecent images or pseudo-images of children (child abuse images). Accessing these images, whether using the setting's or personal equipment, on or off the premises, or making, storing or disseminating such material is illegal. Adults who access and possess links to such websites will be viewed as a significant and potential threat to children.

Staff should not use equipment belonging to the school 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.

If indecent images of children are discovered at the establishment or on the school or setting's equipment, the Police and LADO should be immediately informed.

The images/equipment should be secured and there should be no attempt to view or delete the images as this could jeopardise necessary criminal action. If the images are of children known to the school, a referral should also be made to Children's Social Care in line with local arrangements.

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

Staff should keep their passwords confidential (see section 3.44, below) and not allow unauthorised access to equipment. In the event of any indecent images of children or unsuitable material being discovered on a device, the equipment should not be tampered with in any way. It should be secured and isolated from the network, and the LADO contacted without delay. Adults should not attempt to investigate the matter or evaluate the material themselves as this may lead to a contamination of evidence and a possibility they will be at risk of prosecution themselves.

#### (b) Protecting children from exposure to inappropriate images

Staff should take extreme care to ensure that children and young people are not exposed, through any medium, to inappropriate or indecent images or weblinks. The school and staff working directly with children need to ensure that Internet equipment used by children has the appropriate filters and restrictions to minimise the likelihood of access to inappropriate material. Staff should ensure that their personal passwords are kept confidential and should educate children to do the same.

*This means that staff should:*

- *abide by the establishment's Acceptable Use Policy and e-Safety Policy;*
- *ensure that children cannot be exposed to indecent or inappropriate images;*
- *ensure that any films or material shown to children are age-appropriate.*

### (c) Age classifications for media used

Permissions from parents/carers will not be required where films, games and other media carry a U (universal) classification. Likewise, unclassified material, video clips and excerpts from PG and 12A-rated films may be used without parent/carer permission where, in the staff member's judgement, this (a) meets the criteria for U classification regarding standards for language, violence, sexual content, etc. and (b) is age-appropriate for the children. This applies to all media seen/used by children in lessons, collective worship, extracurricular clubs and activities whether in school or elsewhere (e.g. at the parish church or on a school trip) and regardless of whether this is organised by school staff, visitors or other parties.

Official film classification	May be shown to children?		Prior parent/carer permission required?
<b>U</b> universal	Whole film	<b>YES</b>	<b>NO</b>
	Excerpt	<b>YES</b>	<b>NO</b>
<b>PG</b> parental guidance	Whole film	<b>YES</b>	<b>YES</b>
	Excerpt ... if clip is <b>U</b>	<b>YES</b>	<b>NO</b>
	Excerpt ... if clip is <b>PG</b>	<b>YES</b>	<b>YES</b>
<b>12A and 12</b>	Whole film	<b>NO</b>	<b>NO</b>
	Excerpt ... if clip is <b>U</b>	<b>YES</b>	<b>NO</b>
	Excerpt ... if clip is <b>PG</b>	<b>YES</b>	<b>YES</b>
	Excerpt ... if clip is <b>12A or 12</b>	<b>NO</b>	N/A
<b>15</b>	Excerpt or whole film	<b>NO</b>	N/A
<b>18</b>	Excerpt or whole film	<b>NO</b>	N/A

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

### **3.33 Public interest disclosure (whistle-blowing)**

Whistle-blowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. The school has a clear and accessible Whistle-Blowing Policy that meets the terms of the Public Interest Disclosure Act 1998. Staff who use the Whistle-Blowing Policy should be made aware that their employment rights are protected. Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of the Headteacher/SLT and/or relevant external agencies. This is particularly important where children's welfare may be at risk.

### **3.34 Sharing concerns and recording incidents**

All members of staff should be aware of the school's child protection and safeguarding procedures, including procedures for dealing with allegations against staff and other adults who work with children.

All allegations must be taken seriously and properly investigated in accordance with school and Safeguarding Children Board procedures and statutory guidance. Staff who are the subject of allegations are advised to contact their professional association or trade union.

In the event of any allegation being made to a member of staff other than a member of the SLT, information should be clearly and promptly recorded and reported to the Headteacher 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.

### **3.35 Tutoring of school pupils**

**a) Independent tutoring** Teachers, who undertake tutoring on a self-employed basis should ensure that they do not tutor children from their own classes as this would be a conflict of interest. Teachers must also inform the Headteacher if they undertake tutoring of children within their school and always ensure they have the parents'/carers' consent.

**b) 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.

### **3.36 Professional behaviour**

Employees must not misuse or misrepresent their position, qualifications or experience, or bring the reputation of the school into disrepute. Such behaviour may lead to disciplinary action and, in the case of a teacher's professional misconduct, may lead to a referral to the National College of Teaching and Learning (NCTL). Serious safeguarding-related allegations that are upheld will be referred to the Disclosure and Barring Service (DBS).

### **3.37 Criminal actions**

School staff must inform the Headteacher (Chair of Governors if the employee is the Headteacher) immediately if they are subject to a criminal conviction, caution, ban, Police enquiry, investigation or pending prosecution. The Headteacher or Chair will discuss the situation with the staff member in the context of their role and responsibilities in order to help safeguard children, other staff at the school and the school's reputation.

### **3.38 Declaration of interests**

A member of staff 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. Staff 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 staff 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 by completing a Register of Business Interests form (see Appendix A, below).

### **3.39 Probity of records and other documents**

The deliberate falsification of documents is not acceptable. Where a member of staff falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence. Where a staff member 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 member of staff may be dismissed and referred to the Police.

### **3.40 Financial inducements**

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

**a) Business contacts** "Business contact" refers to any person, body or organisation with whom 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).

**b) Declaration of gifts** Any gifts that are received should be declared in writing to the Governing Body on the Register of Gifts and Hospitality form (see Appendix B, below) with the exception of those items specifically identified in sections below. This document shall

remain available for inspection by the school's Governing Body and the Local Authority's internal audit team (where the Local Authority is the employer).

**c) Gifts or hospitality to a staff member** 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 member of staff 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 as follows:

- Low-cost, functional items suitable for business use rather than personal use and displaying the supplier's logo, for example 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 (e.g. 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 staff 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.

**d) Gifts or hospitality to the school** Where a business contact sends a gift to the school (e.g. 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 member of staff 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, which may be accepted and do not have to be declared on the Register of Business Interests.

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

### **3.41 Other employment**

Staff 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 staff are required to keep the Headteacher (Governing Body if the employee is the Headteacher) informed of their employment at other organisations.

### **3.42 Health and safety**

Staff 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. (See the school's Health and Safety Policy.)

### **3.43 Use of alcohol and illegal drugs**

The taking of illegal drugs or alcohol during working hours is unacceptable and will not be tolerated. All staff 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 a member of staff's working life, the school has the right to discuss the matter with the staff member 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 staff member.

### **3.44 Use of school premises, equipment and 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 (NB: for the Headteacher, 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) 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;
- posting confidential information about the school and/or other staff, children or parents on social networking sites;
- gambling or gaming;
- unauthorised use of school facilities (or the staff member's personal IT equipment) for personal use during working time;
- any illegal activities.

Staff receiving inappropriate communication or material or who are unsure about whether something they propose to do might breach this Code and/or the school's Acceptable Use Policy should seek advice from their Headteacher.

The school has the right to monitor emails, 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 staff member 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 upon request by the Headteacher and/or when that member of staff leaves school employment or otherwise ends their role in school.

## **APPENDIX A: REGISTER OF BUSINESS INTERESTS**

### **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.

<b>Name:</b>
<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 B: REGISTER OF GIFTS AND HOSPITALITY**

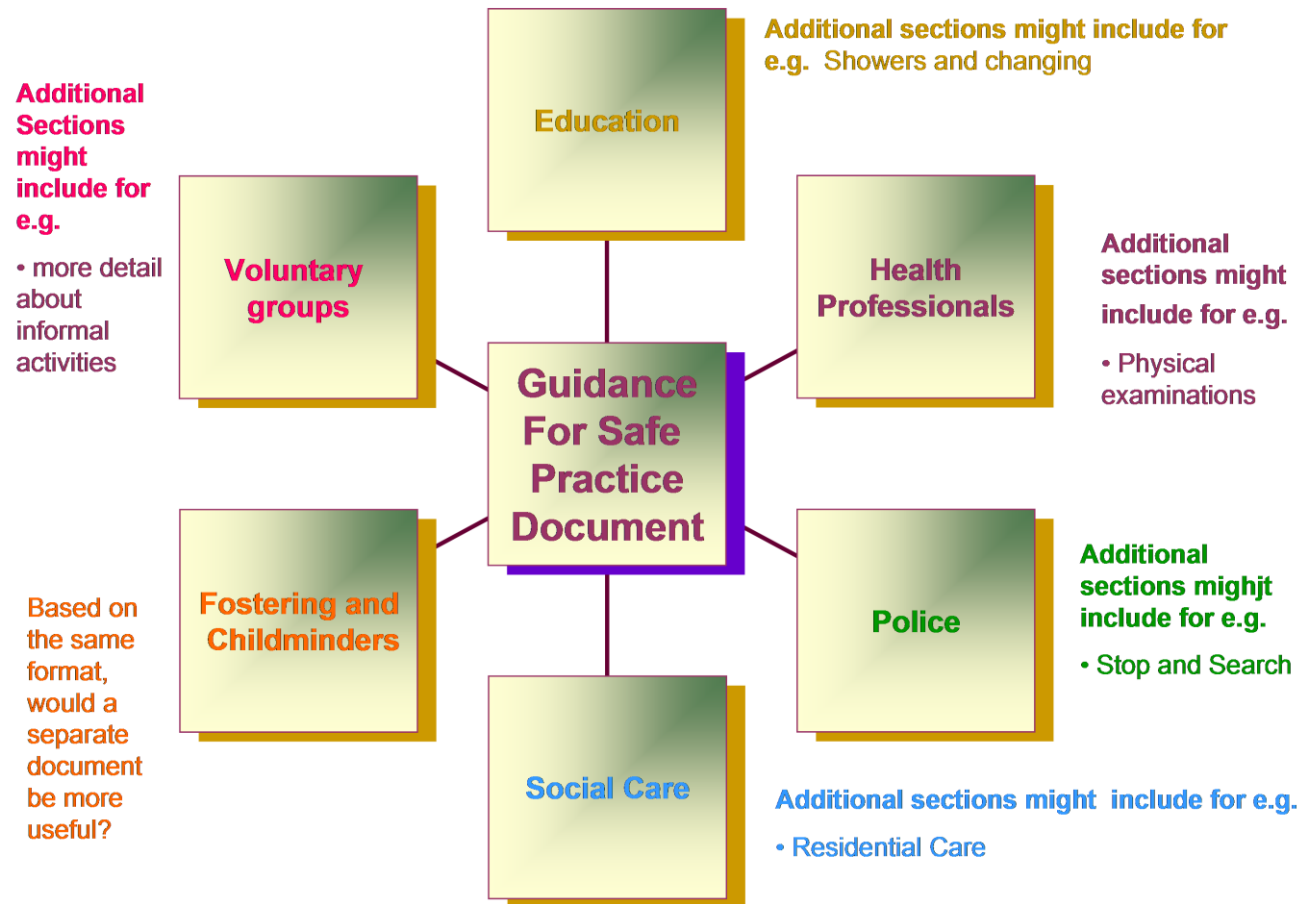
### **Governors and staff declaration form**

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>
<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 gifts and hospitality:</i></b>
<b><i>Date gift received:</i></b>
<b><i>From whom gift or hospitality received:</i></b>

## **APPENDIX C: GUIDANCE CHART FOR SAFE PRACTICE**

This generic document can be used as a base upon which other disciplines/agencies develop specific guidance for adults working in specialised areas.



## **APPENDIX D: GUIDANCE FLOWCHART FOR SAFE PRACTICE**

This generic document can be used to support safer recruitment and selection practices, induction and ongoing training programmes and, where necessary, disciplinary and child protection procedures.



## **APPENDIX E: MANAGING “BULLYING” IN THE WORKPLACE**

### **Differences between firm management and bullying behaviour when tackling poorly performing teams**

Source: Chartered Institute of Personnel and Development

<b>Addressing poor performance in teams</b>	<b>Examples of firm management</b>	<b>Examples of bullying</b>
Identifying the performance issue	Involves looking at all the potential reasons for poor performance, e.g. people, systems, training and equipment	No attempt to identify the nature or source of the poor performance
Seeking the views of the team or individual to identify the cause of the unacceptable level of performance	The team takes part in looking for the source of the problems in performance and helps the manager to identify solutions for the whole team	No discussion of the cause of the performance deficit, or opportunities for the team members to discuss their difficulties
Agreeing new standards of performance with all team members	Involves setting and agreeing standards of performance and behaviours for each team member and the manager	Imposing new standards without team discussion on appropriate standards of performance or behaviour
Agreeing the method and timing of monitoring/auditing team performance	Wherever possible the team or team member takes part in the monitoring process. The outcome of the monitoring is openly discussed	Without agreeing standards, the monitoring can occur at any time and can involve areas that are unexpected by team members
Failure to achieve the standards of performance is dealt with as a performance-improvement issue	Opportunities are taken to identify individuals who are struggling, and support is provided. Where individuals are unwilling to comply with the agreed performance-improvement process, disciplinary actions may be taken	Individuals who fail to achieve the standards of performance are put under pressure to conform. This may include ridicule, criticism, shouting, withholding of benefits, demotion, teasing or sarcasm
Recognising positive contributions	Recognises and rewards improvements in performance, attitudes and behaviours	With no monitoring, it is impossible to recognise where there have been positive contributions. Rewards and recognition are therefore arbitrary and open to acts of favouritism

## **APPENDIX F: LEGAL DEFINITIONS OF "PROHIBITED CONDUCT"**

### **Harassment**

Harassment is defined as unwanted conduct related to one or more of the relevant protected characteristics which has the purpose or effect of violating the dignity of another person or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

Unwanted conduct means conduct that is unwelcome or uninvited.

Unwanted conduct can include any kind of behaviour, including spoken or written words in emails or on social networking sites, abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

Conduct will be related to a protected characteristic if the person experiencing harassment has the protected characteristic or if there is any connection with the characteristic.

Harassment occurs even if the person harassed does not have the characteristic: a person might be perceived wrongly to have the characteristic or be harassed because of their association with someone who has the characteristic.

The unwanted conduct does **not** have to be **directed** at a person: it is enough that the conduct creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Irrespective of the effect on a person, unwanted conduct amounts to harassment if the person is committing the unwanted conduct with the purpose of violating the dignity of the other person or creating for them an intimidating, hostile, degrading, humiliating or offensive environment.

Alternatively, conduct which has the purpose of being friendly could amount to harassment if the effect on the person experiencing the conduct is one of violating the dignity of that person or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

In deciding whether conduct had that effect, each of the following must be taken into account:

- The perception of the complainant.
- The other circumstances of the case (e.g. circumstances of the person experiencing the conduct, their health including mental health, mental capacity, cultural norms, previous experience of harassment, differences in age, status, impact of the conduct, whether the perpetrator of the alleged harassment was exercising their rights under the Human Rights Act 1998).
- Whether it is reasonable for the conduct to have that effect.

## **Sexual harassment**

Sexual Harassment occurs when a person engages in any unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Conduct of a sexual nature can include unwelcome sexual advances, touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature or using social networking sites.

## **Less favourable treatment for rejecting or submitting to unwanted conduct**

Harassment also occurs when a person is treated less favourably because they have submitted to (or rejected):

- (a) unwanted conduct related to sex or gender reassignment; or
- (b) conduct of a sexual nature.

The less favourable treatment under this type of harassment may be perpetrated by the same person who committed the original unwanted conduct, or by another person.

## **Direct discrimination**

The law protects against discrimination on the following grounds:

- Age\*
- Disability\*\*\*
- Gender reassignment
- Marriage and civil partnership\*\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

These are described as “**protected characteristics**”. Direct discrimination occurs when one person treats, or would treat, another less favourably than others and the treatment is “because of” a protected characteristic.

A person is treated less favourably when they are put at a disadvantage compared to others. It is enough that the person can reasonably say they would have preferred not to be treated differently from the way another person was, or would have been, treated. This could involve being denied a choice or excluded from an opportunity.

It does not matter that the less favourable treatment is unintentional.

\* Less favourable treatment of a person because of their **age** is not direct discrimination provided that it can be shown that the less favourable treatment is a proportionate means of achieving a legitimate aim.

\*\* Where the protected characteristic in question is **marriage or civil partnership** in employment, direct discrimination is limited to less favourable treatment because a person is married or a civil partner. Single people and people in relationships outside of marriage or civil partnership (whether or not they are cohabiting) are not protected.

\*\*\* Direct discrimination arising from **disability** is different. Treatment of a disabled person amounts to direct discrimination if:

- an employer treats the disabled person unfavourably;
- this treatment is because of something arising in consequence of the disabled person's disability; and
- the employer cannot show that this treatment is a proportionate means of achieving a legitimate aim.

The consequences of a disability include anything which is the result, effect or outcome of a person's disability. Such consequences may include inability to walk unaided, need for regular rest breaks, restricted diet, slow typing speeds, difficulties in using public transport, regular hospital appointments, need for specialist equipment, need for a quiet working environment.

#### Discrimination by association

The law states that direct discrimination occurs if one person (A) treats another (B) less favourably because of B's association with a third person who has a protected characteristic, whether or not B possesses that protected characteristic.

The association could occur where B has a relationship, temporary or permanent, of parent, child, partner, friend or carer of a person with a protected characteristic.

#### Discrimination by perception

It is direct discrimination where the person treated less favourably is thought to have a protected characteristic, even though the perception is mistaken and in fact they do not.

#### Breastfeeding

Discrimination against a woman because she is breastfeeding is deemed to be a case of sex discrimination.

#### Indirect discrimination

Indirect discrimination occurs when a provision, criterion or practice that applies in the same way for everybody has an effect which particularly disadvantages people who share a protected characteristic. This kind of discrimination is unlawful unless the employer can show that it is justified, that is, a proportionate means of achieving a legitimate aim.

Indirect discrimination is unlawful whether it is intentional or not and whatever the motivation. This applies to all protected characteristics apart from pregnancy and maternity. In these cases, indirect sex discrimination may apply.

In terms of employment, provisions, criteria and practices will include policies, rules, arrangements, qualifications, proposals and one-off or discretionary decisions.

A disadvantage has to be something a reasonable person would complain about, so an unjustified sense of grievance would not qualify. It must include some damage or loss, although this does not have to be quantifiable. A disadvantage could include, for example, denial of an opportunity, denial of choice, rejection or exclusion.

The disadvantage may be linked to a protected characteristic but there is no need to demonstrate a causal link between the two. However, it is not enough that the provision, criterion or practice puts or would put a group of people with a protected characteristic at a particular disadvantage. It must also have, or be capable of having, that effect on the individual concerned.

When the protected characteristic is **disability**, indirect discrimination occurs when a disabled person is disadvantaged by a provision, criterion or practice which:

- is (or would be) also applied to everyone; and
- puts (or would put) people who have the disabled person's disability at a disadvantage when compared to non-disabled people.

The only question is whether the unfavourable treatment the particular disabled person experiences is because of something arising in consequence of their disability.

The consequences of a disability include anything which is the result, effect or outcome of a person's disability. Such consequences may include inability to walk unaided, need for regular rest breaks, restricted diet, slow typing speeds, difficulties in using public transport, regular hospital appointments, need for specialist equipment, need for a quiet working environment.

### **Victimisation**

Victimisation occurs when an individual employee (A) subjects another employee (B) to detrimental treatment because B has committed a protected act or may commit a protected act in the future.

A protected act is any of the following:

- Bringing proceedings under the Equality Act 2010.
- Giving evidence or information in connection with proceedings under the Act.
- Doing anything related to the provisions of the Act.
- Making an allegation that another person has breached the Act.
- Having a discussion with a colleague or former colleague which concerns a connection between pay and possession of a protected characteristic.

Detrimental treatment is victimisation if committing a protected act is an effective cause of the treatment, though it need not be the only reason for the treatment. Generally, a detriment is anything which the individual concerned might reasonably consider to have changed their position for the worse or put them at a disadvantage. There is no need to demonstrate physical or economic consequences. However, an unjustified sense of grievance alone would not be enough to establish detriment.



## **APPENDIX G: TEACHERS' STANDARDS**

Appendix 2 from *Teachers' Standards* (DfE, 2012)

### **PERSONAL AND PROFESSIONAL CONDUCT**

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

- treating pupils with dignity, building relationships rooted in mutual respect and at all times observing proper boundaries appropriate to a teacher's professional position;
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- showing tolerance of and respect for the rights of others;
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs;
- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

## **APPENDIX H: 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 children. 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 school's Model Procedure for Misconduct of 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. What do I do if I am offered a gift by a supplier or a customer?**

A3. 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.

### **Q4. 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?**

A4. 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 or pay decisions.

**Q5. How do I know if I am using the Internet and email in the correct way?**

A5. 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.

**Q6. I have become involved in a close relationship with a team member 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 for advice.

**Q7. One of the children 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 child unless there is a specific need which has been agreed with your line manager or Headteacher and parents/carers. However, this would be a rare occurrence. If the child persists in their request, you should speak to your line manager/Headteacher.

**Q8. I work with vulnerable children 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 child'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.

**Q9. My father-in-law is on the Board of Directors for one of the school's potential contractors, what do I need to do?**

A9. This would constitute a conflict of interest if you are involved in the process of awarding contracts, or had any influence with the contract. If you have such a relationship, you should declare this as a "personal interest" by completing a Register of Business Interests form (see Appendix A).

**Q10. I use social networking sites a lot in my own time but am regularly contacted to be a “friend” by children whom I teach within my school. What should I do?**

A10. 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 “friend” 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.

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

A11. As an employee of the Local Authority 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, or school reputational damage), this could result in disciplinary action being taken.

**Q12. I work as a cleaner within a number of schools; do I need to inform each school that I am working somewhere else?**

A12. You must inform the Headteacher of each school that you work for a number of schools and the total hours that you work. If this exceeds 48 hours per week, you will need to sign an “opt out form”. You also need to consider your work–life balance and your health if you are working this number of hours.

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

A13. There would potentially be damage to the school reputation as members of the public can access and view this. The comments could be identified as 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.