

INSERT SCHOOL NAME

**GUIDANCE FOR SAFE WORKING PRACTICE FOR THOSE WORKING
WITH CHILDREN IN EDUCATION AND EARLY YEARS SETTINGS
(CODE OF CONDUCT)**

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i. Definitions

Throughout this document references are made to “children”, “young people” and “pupils”. These terms are interchangeable. All refer to children under the age of 18 years or until a young person ceases to be on roll within an education establishment if they have reached the age of 18.

For ease of reading, references are often made to “school”. This term is interchangeable with all other types of educational establishments e.g. FE Institutions, Academies, Independent and Free schools, Sixth Form Colleges, Pupil Referral Units.

Whilst references are made to adults, and staff, this refers to all those who work with children, irrespective of age, at an education setting, in either a paid or unpaid capacity. This would also include, for example, those who are not directly employed by the school or setting e.g. Local Authority staff, sports coaches.

The term “allegation” means where it is alleged that a person who works with children has

- Behaved in a way that has harmed a child or may have harmed a child and/or;
- Possibly committed a criminal offence against, or related to a child and/or;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or;
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

The last bullet point above includes behaviour that may have happened outside of school that might make an individual unsuitable to work with children, this is known as transferable risk.

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wherever possible, such references have been removed in order that the document does not appear to quickly become out of date or to apply only to certain staff or settings.

Where there are references in this document to LAs, this refers to Local Authorities exercising education functions.

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

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

ii. Equality & Diversity Considerations

- 2.1 Headteacher's/Governing Board are responsible for ensuring that they operate the procedure in line with the Council's/Schools Equality and Diversity policy to provide equality of opportunity for all employees.**

- 2.2 The Council/School is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. This procedure will be applied equally to all employees irrespective of their background or membership of a particular group.
- 2.3 In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council/School is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.
- 2.4 The school will regularly review this procedure's impact on any equality and diversity issues, and will identify any inequalities by monitoring and will take appropriate action where necessary.

iii. Overview and Purpose of the Guidance

This document is a Rochdale adaptation and update of national guidance initially published for schools by DfE **which is now overseen and updated by the Safer Recruitment Consortium**, It was initially issued as those working with children had expressed concern about their vulnerability and requested clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. They asked for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided.

The document seeks to ensure that the duty of care towards children and staff is promoted by raising awareness of illegal, unsafe, **unprofessional** and unwise behaviour. It should assist staff to monitor their own standards and practice.

The guidance will also support employers in giving a clear message that unlawful, **unprofessional** or unsafe behaviour will not be tolerated and that where appropriate, legal or disciplinary action is likely to follow. Once adopted, as part of an establishment's staff behaviour policy, the school or settings will refer to the document in any disciplinary proceedings.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that any such guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their employer. It is expected that in these circumstances staff will always advise their senior colleagues of the justification for any such action already taken or proposed.

All staff have a responsibility to be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction **and in regular staff training sessions**. This includes: the school's or college's child protection policy **and this guidance which acts as a code of conduct for all staff**

Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold - see KCSiE) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable schools and colleges to identify concerning, problematic or inappropriate behaviour early; and minimise the risk

of abuse. A culture of vigilance will help to ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

Any behaviours that fall short of the guiding principles outlined in this document must be shared responsibly and with the right person. All concerns that do not meet the harm threshold must be recorded and dealt with appropriately as a low level concern as referenced in *Keeping Children Safe in Education*.

It is recognised that the vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children in their care. Achieving these aims is not always straightforward, as much relies on child and staff interactions where tensions and misunderstandings can occur. This document aims to reduce the risk of these.

Allegations may be genuine, false or misplaced, they may arise from differing perceptions of the same event, however, when they occur, they are inevitably distressing and difficult for all concerned.

There are some adults who seek out, create or exploit opportunities to harm children and it is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them do so safely.

iv. Underpinning Principles

- The welfare of the child is paramount (Children Act 1989)
- Staff should understand their responsibilities to safeguard and promote the welfare of children and young people
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them; criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct prohibition from teaching by the Teaching Regulation Agency (TRA)
- Staff should work, and be seen to work, in an open and transparent way **including self-reporting if their conduct or behaviour falls short of these guiding principles.**
- Staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded
- Staff should discuss and/or take advice promptly from their line manager or another senior member of staff about, any incident, which may give rise to concern
- Records should be made of any such incident and of decisions made/further actions agreed, in accordance with school policy for keeping and maintaining records on allegations against adults. Early Years settings should keep a separate recording system for more general 'complaints' and make this available for OFSTED inspection

- Staff should apply the same professional standards regardless of culture, disability, age, gender or sexuality
- Staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported
- Staff must not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children. Staff must not smoke on the premises
- All staff should know the name of their designated person for child protection
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them
- Staff should know the procedures for handling allegations against staff and to whom they should report concerns in line with the statutory guidance.
- Staff and managers should continually monitor and review practice and ensure this guidance is followed
- Staff should be aware of their establishment's child protection and allegation management procedure against adults policy, whistleblowing policy and the Rochdale Borough Safeguarding Children's Partnership procedures for handling allegations against staff (www.rbscp.org)
- Wherever there is an allegation against a person working with children Rochdale Borough Safeguarding Children's Partnership procedures should be followed and the Local Authority Designated Officer informed. Early Years settings including nursery schools, nursery/reception classes and EYFS units also need to inform Ofsted
- All staff should continually monitor and review their practice and ensure they follow the guidance contained in this document

v. How to use the Document

Each section provides general guidance about a particular aspect of work undertaken with children and, specific guidance about which behaviours should be avoided and which are recommended.

Some schools and settings will need to adapt or add to the guidance to meet their specific practices, contexts and the age of children in the specific school/ setting. Not all aspects of the guidance will be relevant to all educational establishments.

1. Introduction

Members of staff have a crucial role to play in shaping the lives of children. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring. This guidance has been produced to help staff establish the safest possible learning and working environments which safeguard young people and reduce the risk of staff being falsely accused of improper or unprofessional conduct.

This means that these guidelines apply to **all** adults working in education settings whatever their position, roles, or responsibilities. This includes volunteers within your establishment.

The general public including service users are entitled to expect the highest standards of conduct from all employees who work in a school setting. The Guidance for Safe Working Practice for those Working with Children in Education and Early Years Settings (Code of Conduct) sets out how you should respond to issues that commonly arise during your employment and seeks to protect you from safeguarding allegations and accusations of bias, undue influence and impropriety. The aim of the Guidance for Safer Working Practise is to enhance and maintain the integrity (real and perceived) of the school and for this purpose it demands very high standards of personal and professional conduct from employees, both in the course of undertaking their duties and responsibilities and when acting as a private individual.

All employees of the school/council are expected to inspire public confidence by giving the highest possible standard of service to the school, Local Authority and the public.

Failure by an employee to observe the standards set out in this Code is a serious matter and any breach may mean the employee is liable to disciplinary action which may include dismissal.

2. Status of Document

This document is endorsed and recommended by Rochdale Borough Council. It should inform and assist schools to develop and review their guidelines on safer working practices. It will be used as reference by the Local Authority Designated Officer (LADO) when responding to any allegations made against adults.

*The LADO or Schools HR **Advisory** Service should be contacted when an allegation against a member of staff is received.*

Contact Local Authority Designated Officer (LADO) as follows:

lado@rochdale.gov.uk

Tel: 0300 3030350

Contact Schools HR Advisory Service

gill.windsor@rochdale.gov.uk

Tel: 01706 925184

abbie.walker@rochdale.gov.uk

Tel: 01706 925161

3. Unsuitability

The guidance contained in this document is an attempt to identify what behaviours are expected of adults who work with children and young people. Adults whose practice deviates from this guidance and/or their professional or employment-related code of conduct may bring into question their suitability to work with children and young people.

4. Duty of Care/ Responsibilities

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

All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from sexual, physical, emotional harm, neglect and extra-familial harm. Children have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of pupils. Failure to do so may be regarded as professional neglect/misconduct.

The duty of care is, in part, exercised through the development of respectful, caring and professional relationships between staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgement.

This means that adults should:

- *understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached*
- *understand how to raise a concern and contact designated staff or partner agencies if they have a concern about a child, particularly if the normal arrangements have been amended*
- *always act, and be seen to act, in the child's best interests*
- *avoid any conduct which would lead any reasonable person to question their motivation and intentions*
- *Take responsibility for their own actions and behaviour*

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

Employers have a duty of care towards their employees under Health and Safety legislation which requires them to provide a safe working environment for staff and guidance about safe working practices. Thus, employers have a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. Staff who are subject to an allegation should therefore be supported and the principles of natural justice applied.

This means that Schools/Governing boards should:

- *promote a culture of openness and support*
- *ensure that systems are in place for concerns to be raised*
- *ensure that appropriate safeguarding and child protection policies and procedures are distributed, adopted, implemented and monitored*
- *ensure that staff are not placed in situations which render them particularly vulnerable*
- *ensure that all staff are aware of expectations, policies, procedures and receive appropriate training*
- *ensure that if there is no trained DSL on site, a senior member of staff is identified to lead on safeguarding issues*

Health and Safety legislation also imposes a duty on employees to take care of themselves

and anyone else who may be affected by their actions or failings. An employer's duty of care and the staff duty of care towards children should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

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

Where the Governing Board provides services or activities directly under the supervision or management of school staff, the schools arrangements for safeguarding must be followed.

5. Exercise of Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour that is illegal, inappropriate or inadvisable.

There will be rare occasions and circumstances in which staff have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists.

This means that Governing Boards should:

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

This means that where no specific guidance exists staff should:

- *discuss the circumstances that informed their action, or their proposed action, with a senior colleague. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- *always discuss any misunderstanding, accidents or threats with a senior manager*
- *always record discussions and actions taken with their justifications*
- *Record any areas of disagreement and, if necessary refer to another agency/the LA/Ofsted/TRA/other Regulated Body*

Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge and in so doing, will be seen to be acting reasonably. These judgements should always be recorded and shared with a member of the Schools Leadership Team.

Staff should always consider whether their actions are warranted, proportionate, and safe and applied equitably. They should ensure that they are not exercising any favouritism, nor scapegoating or 'picking-on' any child

6. Power and Positions of Trust and Authority

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people in education settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals.

The potential for exploitation and harm of vulnerable young people means that 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, avoid behaviour which might be misinterpreted by others, and report and record any incident which could have been misinterpreted. This is as relevant in the online world as it is in the classroom; staff engaging with pupils and / or parents online have a responsibility to model safe practice at all times.

See also addendum section 31a.

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

This means that adults should not:

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

7. Confidentiality

The storing and processing of personal information is governed by the General Data Protection Regulations **UK** (GDPR) and Data Protection Act 2018. Schools should provide clear advice to staff about their responsibilities under this legislation so that, when considering sharing confidential information, those principles should apply. Schools should ensure that they record and retain information in accordance with their retention policy.

Records must be kept no longer than necessary and in compliance with GDPR and Data Protection Act 2018

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

Members of staff may have access to confidential information about pupils in order to undertake their everyday responsibilities. In some circumstances staff may be given highly sensitive or private information. They should never use confidential or personal information about a pupil or their family for their own, or others' advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the pupil.

This means that staff:

- *need to know the name of their Designated Safeguarding Lead and be familiar with child protection procedures and guidance:*
- *are expected to treat information they receive about children and young people in a discreet and confidential manner*
- *should seek advice from a senior member of staff if they are in any doubt about sharing information they hold or which has been requested of them*

- *need to be cautious when passing information to others about a child/young person*
- *need to know the procedures for handling allegations against staff and to whom any concerns or allegations should be reported*
- *need to be aware of the schools whistleblowing policy*
- *need to know the name of those with delegated child protection responsibilities in school and be familiar with local child protection arrangements*

This means that school leaders should:

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

Confidential information about a child or young person should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the child's identity does not need to be disclosed the information should be used anonymously.

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

If a child or their parent/carer makes a disclosure regarding abuse or neglect the member of staff must **always take any such concerns seriously and** should follow the schools procedures. Staff should not promise confidentiality to a child or parent/carer, but should give reassurance that the information will be treated sensitively.

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

8. Standards and Behaviour

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, pupils and the public in general.

The Teachers Standards Part Two states that a Teacher is expected to demonstrate consistently high standards of personal and professional conduct.

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

There may be times, for, example, where an individual's actions in their personal life come under scrutiny from the community, the media or public authorities, including with regard to their own children, or children or adults in the community.

Staff should be aware that their behaviour, either in or out of the workplace, could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the employer into disrepute. Such behaviour

may also result in prohibition from teaching by the TRA, a bar from engaging in regulated activity, or action by another relevant regulatory body.

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

The Disqualification under the Childcare Act 2006 (Regulations 2018) state that schools should make clear their expectation that staff should disclose any relationship or association (in the real world or online) that may impact on the school's ability to safeguard pupils. This applies to all staff in all schools, not just those in early or later years' childcare.

Keeping Children Safe in Education states that schools should make clear their expectation that staff should disclose any relationship or association (in the real world or online) that may impact on the school's ability to safeguard pupils. This applies to all staff in all schools, not just those in early or later year's childcare

This means that adults should not:

- *behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model*
- *make or encourage others to make sexual remarks to, or about, a pupil (including email, text messages, phone or letter)*
- *discuss their personal or sexual relationships with or in the presence of pupils*
- *discuss a pupil's sexual relationships in inappropriate settings or contexts*
- *use inappropriate language to or in the presence of pupils*
- *make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such*

Staff should:

- *be aware that behaviour by themselves, those with whom they share a household, or others in their personal lives, may impact on their work with children*
- *inform the Headteacher of any cautions, convictions or relevant orders accrued during their employment and/or if they are charged with a criminal offence*
- *inform the Headteacher of any name changes that they have not previously declared*

This means that school leaders should:

- *have a clear expectation that staff will discuss with managers any relationship / association (in or out of school or online) that may have implications for the safeguarding of children in school*
- *create a culture where staff feel able to raise these issues*
- *safeguard their employees' welfare and contribute to their duty of care towards their staff*

- *identify whether arrangements are needed to support these staff*
- *consider whether there are measures that need to be put in place to safeguard children (e.g. by putting arrangements in place to stop or restrict a person coming into school where a potential risk to children has been identified)*

Schools must not

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

9. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However staff should consider the manner of dress and appearance appropriate to their professional role which may be different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake; this also applies to online or virtual teaching or when working with small groups on site (in the case of schools who remain open to vulnerable children or those of critical workers). Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegation.

This means that adults should wear clothing which:

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory*
- *is compliant with professional standards*
- *in online engagement, is similar to the clothing they would wear on a normal school day*

10. The use of Personal Living Space

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

It is not appropriate for the school to expect or request that private living space be used for work with children and young people. Headteacher's should ensure that appropriate accommodation for such activities is found elsewhere in the school.

Under no circumstances should children pupils be asked to assist adults with jobs or tasks, either for or without reward, at or in their private accommodation. This also applies to all other persons living in or visiting the private accommodation.

This means that staff should:

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

- *Not ask pupils to undertake jobs or errands for their personal benefit*

11. Gifts, Rewards, Favouritism and Exclusion

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

- Staff within 28 days of receiving any gift or hospitality over the value of £25 must provide written notification to the Headteacher or in the case of the Headteacher the Chair of Governors of the existence and nature of that gift or hospitality, using the Gifts & Hospitality form which be obtained from the school office.
- Staff must refuse all gifts or hospitality in excess of £100 (if received on one occasion) or in excess of total £100 (if received on more than one occasion in the same academic year from the same individual or organisation) except with the approval of the Chair of Governors (all such exceptions to be reported to the Resources Committee of the Governing Board)

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

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

Similarly, it is inadvisable to give such personal gifts to pupils. This could be misinterpreted as a gesture either to bribe, or single out the young person. It might be perceived that a 'favour' of some kind is expected in return.

Any reward given to a child should be in accordance with agreed practice, consistent with the school behaviour policy, recorded and not based on favouritism.

Staff should exercise care when selecting children for e.g. specific activities, jobs, privileges in order to avoid perceptions of favouritism or injustice. Similar care should be exercised when pupils are excluded from an activity. Methods of selection and exclusion should always be subject to clear, agreed criteria in accordance with the school's procedure.

This means that adults should:

- *be aware of and understand the schools relevant policies e.g. rewarding positive behaviour*
- *ensure that gifts received or given in situations which may be misconstrued are declared and recorded*
- *generally, only give gifts to an individual young person as part of an agreed reward system*
- *where giving gifts other than as above, ensure that these are of insignificant value and given to all children equally*
- *ensure that all selection processes are fair and that wherever practicable these are undertaken and agreed by more than one member of staff*
- *ensure that they do not behave in a manner which is either favourable or unfavourable to individual pupils*

12. Infatuations and ‘Crushes’

Staff need to be aware that it is not uncommon for pupils to be strongly attracted to a member of staff and/or develop a crush or infatuation. They should make every effort to ensure that their own behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.

Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has or may be becoming infatuated with them or a colleague, should immediately report this to a senior member of staff. 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 parent/carer should be spoken to and a plan to manage the situation put in place which responds sensitively to the child and staff member and maintains the dignity of all. Any such plan should involve all parties, be robust and regularly monitored and reviewed.

This means that adults should:

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

Headteacher’s or relevant responsible person should:

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

13. Social Contact Outside of the Workplace

Staff should not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship.

It is acknowledged that staff may have genuine friendships and social contact with parents/carers of pupils, independent of the professional relationship. Staff will need to be mindful of their professional responsibilities both during and outside of their working hours.

Staff should, however, also be aware that professionals who sexually harm children often seek to establish relationships and contact outside of the workplace with both the child and their parents/carers, in order to ‘groom’ the adult and the child and/or create opportunities for sexual abuse.

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

This also applies to social contacts made through outside interests or the staff member’s own family.

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

extremist political groups).

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

It is recognised that staff can support a parent/carer who may be in particular difficulty. Care needs to be exercised in those situations where the parent/carer comes to depend upon the staff member for support. This situation should be discussed with the Headteacher or relevant responsible person and where necessary referrals made to the appropriate support agency.

This means that adults should:

- *always approve any planned social contact with pupils or parents/carers with senior colleagues, for example when it is part of a reward scheme or pastoral care programme*
- *advise the Headteacher or relevant responsible person of any social contact they have with a pupil which may give rise to concern*
- *inform the Headteacher or relevant responsible person of any relationship with a parent/carer where this extends beyond the usual parent/carer/professional relationship*
- *inform the Headteacher or relevant responsible person if any requests or arrangements where parents/carers wish to use their services outside of the workplace e.g. babysitting, tutoring*
- *report and record any situation, which they feel, might compromise the school or their own professional standing*
- *refrain from sending personal communication to pupils e.g. letters and cards unless agreed with senior managers*

14. Communication with Children (including the use of Technology)

See also addendum section 31a.

In order to make best use of the many educational and social benefits of new and emerging technologies, pupils need opportunities to use and explore the digital world.

E-safety risks are posed more by behaviours and values than the technology itself.

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

Communication with children and adults, by whatever method, should take place within explicit professional boundaries and staff should avoid any personal subject matter. This includes the wider use of technology such as mobile phones, text messaging, e-mails, digital cameras, videos, web- cams, websites, blogs and any forms of social media. (Given the ever changing world of technology it should be noted that this list gives examples only and is not exhaustive).

Staff should not request or respond to any personal information from children other than which may be necessary in their professional role. They should ensure that their communications are open and transparent and avoid any communication which could be interpreted as 'grooming behaviour'.

Staff should not give their personal contact details to children for example, e-mail address, home or mobile telephone numbers, social media information, or details of web based

identities. If children locate these by any other means and attempt to contact or correspond with the staff member, they should not respond, report the matter to the Headteacher and the child and their parents/carers should be firmly and politely informed that this is not acceptable.

Staff should, in any communication with children, also follow the guidance in section 8 'Standards of Behaviour'.

Staff should adhere to the schools policies, including those with regard to communication with parents/carers and information they share when using the worldwide web and social media and gaming sites.

When communicating with children, adults should:

- *Not seek to communicate/make contact or respond to contact with pupils outside of the purpose of their work and should not accept any requests for contact from pupils outside of the workplace*
- *Not give out their personal details*
- *Use only equipment and Internet services provided by the school or setting, unless school policies state otherwise*
- *only use internet-enabled personal devices in line with school acceptable use policies*
- *Follow their school Acceptable Use Policy and online safety guidance*
- *Ensure that their use of technologies could not bring their employer into disrepute.*

15. Photography, Videos and other Creative Arts

Many school activities involve recording images. These may be undertaken as part of the curriculum, extra school activities, for publicity, or to celebrate achievement and to provide records of evidence of the activity. Under no circumstances should staff be expected or allowed to use their personal equipment to take images of pupils at or on behalf of the school.

All schools should have arrangements with regards to the taking and use of images, which is linked to their safeguarding and child protection policy. This should cover the wide range of devices which can be used for taking/recording images. Examples are but not exhaustive cameras, mobile phones, smart phones and arrangements for the use of these by staff, parents/carers and visitors.

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

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

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

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

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

This means that staff should:

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

This means that adults should not:

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

16. 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/videos.

There are no circumstances that will justify adults: making, downloading, possessing or distributing indecent images/videos or pseudo-images of children (child abuse images). Accessing these images, whether using the settings or personal equipment, on or off the premises, or making, storing or disseminating such material is illegal.

If indecent images of children are discovered at the establishment or on the school or setting's equipment an immediate referral should be made to the Headteacher or Local Authority Designated Officer (LADO), and the police contacted if relevant. The images/videos/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 college equipment to access such material, including adult pornography. Personal equipment containing these images, or links to them 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.

Schools should have clear policies about access to and use of the Internet, and have regard to DfE guidance.

Accessing indecent images/videos of children on the internet, whether using school or personal equipment, on or off school premises and making, storing or disseminating such material is illegal. If proven this will lead to criminal proceedings and the individual being barred from work with children and young people.

Staff should keep their passwords confidential and not allow unauthorised access to school equipment. In the event of any indecent images of children or unsuitable material being discovered on a school computer, the equipment should not be tampered with in any way, secured and isolated from the network, and the designated LA officer contacted without delay. Staff 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.

This means that adults should:

- *follow the school policy on the use of IT equipment*
- *ensure that pupils are not, through the use of any medium, exposed to indecent or inappropriate images*
- *ensure that any films or materials shown to children are age appropriate*

17. Physical Contact/Touching Children

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

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

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Staff should therefore, use their professional judgement at all times.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible in the school's incident book and, if appropriate, a copy placed on the child's file.

Physical contact, which occurs regularly with an individual child or young person, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. Where feasible, staff should seek the child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or feelings and – so far as is possible - use a level of contact and/or form of communication which is acceptable to the child for the minimum time necessary.

Extra caution may be required where it is known that a child has suffered previous abuse or

neglect. In the child's view, physical contact might be associated with such experiences and lead to staff being vulnerable to allegations of abuse. It is recognised that many such children may seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively by helping them to understand the importance of personal boundaries.

The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each child. Children with special needs may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

This means that adults should:

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

This means that the school should:

- *ensure they have a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management*
- *provide staff, on a "need to know" basis, with relevant information about vulnerable pupils in their care*
- *make staff aware of the DfE guidance in respect of physical contact with pupils and meeting medical needs of children and young people in school*

18. Pupils in Distress

There may be occasions when a distressed pupil needs comfort and reassurance. This may include age - appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.

Where a member of staff has a particular concern about the need to provide this type of care and reassurance they should seek further advice from a member of the Senior Leadership Team.

This means that adults should:

- *ensure the way they offer comfort to a distressed pupil is age appropriate*
- *always tell a colleague when and how they offered comfort to a distressed pupil*

- *establish the preferences of pupils*
- *consider alternatives where it is anticipated that a pupil might misinterpret or be uncomfortable with physical contact*
- *always explain to the pupil the reason why contact is necessary and what form that contact will take*
- *be aware of cultural or religious views about touching and be sensitive to issues of gender*
- *record situations which may give rise to concern*

19. Other Activities which Require Physical Contact

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

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

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

This means that adults should:

- *treat pupils with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a pupil the reason why contact is necessary and what form that contact will take*
- *seek consent of parents/carers where a pupil is unable to give this e.g. because of a disability*
- *perhaps involving another member of staff, or a less vulnerable pupil in the demonstration.*
- *consider alternatives, where it is anticipated that a pupil might misinterpret any such contact, be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*
- *be familiar with and follow recommended DfE guidance*
- *always explain to a pupil the reason why contact is necessary and what form that contact will take*
- *be aware of gender, cultural and religious issues that may need to be considered prior to initiating physical contact*

This means that school should:

- *have in place up to date guidance and protocols on appropriate physical contact, that promote safe practice and include clear expectations of behaviour and conduct*
- *ensure that the staff are made aware of the guidance and that it is continually promoted within the workplace*

20. Showers and Changing

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

people, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

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

This means that adults should:

- *avoid any physical contact when children are in a state of undress*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms announce their intention of entering*
- *avoid remaining in the room unless pupil needs require it*

This means that adults should not:

- *change in the same place as children*
- *shower with children*

21. Intimate Care/Personal Care (if applicable)

Schools should have clear personal & intimate care policies which incorporates toileting and changing of pupils which ensure that the health, safety and welfare of children is promoted and their dignity and privacy are respected. Arrangements for intimate care should be open and transparent and accompanied by recording systems and agreed plans with parents/carers.

Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. When assistance is required, staff should try to ensure that another appropriate adult is in the vicinity who is aware of the task to be undertaken and that, wherever possible, they are visible and/or audible.

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

Any vulnerability that may arise from a physical disability or learning difficulty should be considered with regard to individual care plans for each child. The views and/or emotional responses of children with special educational needs, regardless of age and ability must be actively sought in regular reviews of these arrangements. Any changes to the care plan should be made in writing and without delay, even if the change in arrangements is temporary; e.g. staff shortages, changes to staff rotas.

Intimate and personal care should not be carried out by an adult that the child does not know. Anyone undertaking intimate / personal care in an education setting is in regulated activity and must have been checked against the relevant DBS barred list, even if the activity only happens once; this includes volunteers. Volunteers and visiting staff from other schools should not undertake care procedures without appropriate training.

This means that education settings should:

- *have written care plans in place for any pupil who could be expected to require intimate care*
- *update care plans in writing where appropriate e.g. because there are changes to staff rotas*

- *ensure that pupils are actively consulted about their own care plan*
- *ensure that intimate / personal care is provided by staff known to the child*
- *ensure that only individuals that have been checked against the relevant DBS barred list are permitted to engage in intimate or personal care*
- *ensure that temporary or visiting staff have been trained in intimate and personal care procedures*

This means that adults should:

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

This means that adults should not:

- *change or toilet in the presence or sight of pupils*
- *shower with pupils*
- *assist with intimate personal care tasks which the pupil is able to undertake independently*
- *allow any adult to assist with intimate or personal care without confirmation from senior leaders that the individual is not barred from working in regulated activity*

22. Behaviour Management

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

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

Where children display difficult or challenging behaviour, staff must follow the behaviour policy outlined in their place of work, 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 management strategies have failed. All use of physical intervention should be reasonable, proportionate and necessary.

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

Headteachers should ensure that the establishment's behaviour policy includes clear guidance about the use of isolation and seclusion. The legislation on these strategies is complex and staff should take extreme care to avoid any practice that could be viewed as unlawful, a breach of the pupil's human rights and/or false imprisonment.

This means that adults should:

- *not use force as a form of punishment*
- *try to defuse situations before they escalate*
- *keep parents/carers informed of any sanctions*
- *adhere to the school's behaviour management policy*
- *behave as a role model*
- *avoid shouting at pupils other than as a warning in an emergency/safety situation*
- *comply with legislation and guidance in relation to human rights and restriction of liberty*
- *Adhere to Rochdale's Care and Control Guidance (2015)*
- *be aware of the legislation and potential risks associated with the use of isolation and seclusion*
- *comply with legislation and guidance in relation to human rights and restriction of liberty*
- *Be clear as to the school's policy and procedures with regard to peer on peer abuse*
- *Be able to reassure victims that they are being taken seriously and that they will be supported and kept safe.*

23. Control and Physical Intervention

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

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

- *committing a criminal offence*
- *injuring themselves or others*
- *causing damage to property*
- *engaging in behaviour prejudicial to good order and to maintain good order and discipline.*

Great care must be exercised in order that adults do not physically intervene in a manner which could be considered unlawful.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted or disproportionate physical force is likely to constitute a criminal offence. Where the school judges that a child's behaviour presents a serious risk to themselves or others, they must always put in place a robust risk assessment which is reviewed regularly and, where relevant, a physical intervention plan.

In all cases where physical intervention has taken place, it would be good practice to record the incident and subsequent actions and report these to the Headteacher or responsible person and the child's parents/carers.

Similarly, where it can be anticipated that physical intervention is likely to be required, a plan should be put in place which the pupil and parents/carers are aware of and have agreed to.

Parental consent does not permit settings to use unlawful physical intervention or deprive a pupil of their liberty.

This means that education settings should:

- *ensure that they have a lawful physical intervention policy consistent with local and national guidance*
- *regularly acquaint staff with policy and guidance*
- *ensure that staff are provided with appropriate training and support*
- *have an agreed policy for when and how physical interventions should be recorded and reported*

This means that staff should:

- *adhere to the school or setting's physical intervention policy*
- *always seek to defuse situations and avoid the use of physical intervention wherever possible*
- *where physical intervention is necessary, only use minimum force and for the shortest time needed*

This means that staff should not

- *use physical intervention as a form of punishment*

24. Sexual Conduct

Any sexual behaviour by a member of staff with or towards a pupil is unacceptable. It is an offence for a member of staff in a position of trust to engage in sexual activity with a pupil under 18 years of age (Sexual Offences Act 2003: abuse of a position of trust) and sexual activity with a child could be a matter for unlawful and/or disciplinary procedures.

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

The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. All staff should undertake appropriate training so they are fully aware of those behaviours that may constitute 'grooming' and of their responsibility to always report to a senior manager any concerns about the behaviour of a colleague which could indicate that pupil is being groomed.

This means that adults should:

- *avoid any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, by email, social media, phone calls, texts, physical contact*
- *not make sexual remarks to or about a pupil*

- *not have any form of sexual contact with a pupil from the school*
- *avoid any form of touch or comment which is, or may be considered to be, indecent*
- *not discuss sexual matters with or in the presence of pupils other than within agreed curriculum content or as part of their recognised job role*

25. One to One Situations

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

Schools need to consider these issues in drawing up their school policies and offer clear training and guidance for the use of any areas of the school which place staff or children in vulnerable situations e.g. photographic darkrooms, counselling rooms.

Headteacher's should undertake a risk assessment in relation to the specific nature and implications of one to one work for each worker. In addition, each assessment should take into account the individual needs of each pupil. Any arrangements should be reviewed on a regular basis.

Pre-arranged meetings with pupils away from the school premises should not be permitted unless **the necessity for this is clear and** approval is obtained from their parent/carer and the Headteacher or other senior colleague with delegated authority.

Where staff are expected to work one to one with a pupil on a virtual platform, clear expectations should be set out for all those involved that are reflective of the schools safeguarding and ICT policies and procedures.

This means school leaders should:

- *keep pupil numbers under constant review*
- *ensure that risk assessments and emergency procedures are reviewed in the event of lone working / very small numbers on site*
- *liaise with the LA on suitable alternative provision if the school needs to close due to very low pupil numbers*

This means that adults should:

- *avoid meetings with pupils in remote, secluded areas of school*
- *work one to one with a child only where absolutely necessary and with the knowledge and consent of senior leaders and parents/carers*
- *be aware of relevant risk assessments, policies and procedures*
- *ensure there is visual access and/or an open door in one to one situations*
- *inform other staff of the meeting beforehand, assessing the need to have them present or close by*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a child becomes distressed, anxious or angry to a senior colleague*
- *consider the needs and circumstances of the child/children involved*
- ***ensure prior to any online learning, there are clear expectations of behaviour and conduct of all parties that have been agreed in advance***

26. Home Visits

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

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

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

Where a programme of work is to be undertaken in the home an appropriate works space should be provided and a written work plan/contract should be agreed with the pupil and parent/carer. This should include: clear objectives; content; timing; and duration of sessions; ground-rules; child protection and confidentiality statements. The plan should take into account the preferences of pupil 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 changes are unavoidable, these should be reported to the line manager and recorded. Staff may need to negotiate, assess any risk, and if necessary terminate the session, unless to do so could put the pupil at risk of harm. Emergency situations should be immediately reported to the **Headteacher**, police or social care as appropriate.

This means that staff should:

- *agree the purpose for any home visit with their manager*
- *have a clear understanding of the actions that should be taken if it is believed that a child or parent is at immediate risk of harm, including when to contact emergency services and / or partner agencies*
- *adhere to agreed risk management strategies*
- *avoid unannounced visits wherever possible*
- *ensure there is visual access and/or an open door in one to one situations*
- *except in an emergency, never enter a home without the parent or carer's consent or when the parent is absent*
- *always make detailed records including times of arrival and departure*
- *ensure any behaviour or situation which gives rise to concern is discussed with the **Headteacher***
- ***Ensure that children are seen in open and observable spaces, for example, living rooms***
- ***Comply with data protection regulations in relation to any personal information carried or notes about the child and/or family***

This means that schools should:

- *ensure that they have home visit and lone-working policies which all adults are made aware of. These should include arrangements for risk assessment and management*

- *ensure that policies reflect any procedures or guidance issued by the MAP in relation to undertaking home visits*
- *ensure that all visits are justified and recorded*
- *ensure that staff understand the purpose and limitations of welfare visits*
- *ensure that staff are not exposed to unacceptable risk*
- *make clear to staff that, other than in an emergency, they should not enter a home if the parent/carer is absent*
- *ensure that staff have access to a mobile telephone and an emergency contact*

27. Overnight Supervision and Examinations

There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process. In these circumstances, staff maybe asked to volunteer to supervise students perhaps in their own homes.

Rochdale Local Authority does not endorse this practice. Where there are no staff volunteers, the examination awarding bodies allow for alternative supervisory arrangements to be made.

When staff do volunteer, efforts should be made to balance the purpose of the arrangement with the need to safeguard and protect the wellbeing of all parties.

This means that:

- *a full health and safety risk assessment should have been undertaken*
- *schools should ensure that all arrangements reflect a duty of care towards pupils and staff*
- *all members of the household should have the appropriate checks made.*
- *all arrangements should be made in partnership and agreement with the student and parents/carers*
- *arrangements involving one to one supervision should be avoided wherever possible..*
- *staff should have regard to any guidance that exists*
- *as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision*
- *whenever possible, independent oversight of arrangements should be made*
- *any situation which gives rise to complaint, disagreement or misunderstanding should be reported*
- *LAs and schools should ensure that all arrangements reflect a duty of care towards pupils and staff*
- *Any situation which gives rise to complaint, disagreement or misunderstanding should be reported*
- *Staff should have regard to any local and national guidance for Educational Visits*

28. Transporting pupils

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

Consideration must be given to the potential distraction of the driver and the supervision of the passengers. A judgement should be made about the likely behaviour and individual needs of the child/ren. If any of them may require close supervision, then another adult should travel in the vehicle so that the driver is not distracted or compromised.

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

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

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

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

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

This means that staff should:

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

This means education settings should:

- *seek evidence that:*
 - *the vehicle is safe. This means that it holds a valid MOT certificate, where relevant, that the driver certifies it has been serviced in line with the manufacturer's schedule, and that the driver carries out any pre-use checks specified by the manufacturer*
 - *the driver is suitable. This means that they hold a valid licence for the type of vehicle and meet any employer requirements*
 - *there is a valid insurance policy covering the driver and the vehicle for the intended use. This may require that the driver has 'business use' cover.*
- *Retain evidence of the above with the risk assessment*

29. Educational Visits and After School Clubs etc.

Staff responsible for organising educational visits should be familiar with the Department for Education's advice on Health and Safety available at

[https://www.gov.uk/government/publications/health- and-safety-on-educational-visits](https://www.gov.uk/government/publications/health-and-safety-on-educational-visits)

The duties in the Health and Safety at Work etc. Act 1974 and the supporting regulations apply to activities taking place on or off the school premises (including school visits) in Great Britain. All school employers must have a Health and Safety policy. This should include policy and procedures for off-site visits, including residential visits and any school-led adventure activities.

The Management of Health and Safety at Work Regulations (1999) impose a duty on employers to produce suitable and sufficient risk assessments. This would include assessment of any risks to employees, children or others during an educational visit, and the measures that should be taken to minimise these risks. For regular activities, such as taking pupils to a local swimming pool, the risks should be considered under the school's general arrangements and a check to make sure that the precautions remain suitable is all that is required. For annual or infrequent activities, a review of an existing assessment may be all that is needed. For new higher-risk activities or trips, a specific assessment of the significant risks should be carried out.

Staff should take particular care when supervising pupils in the less formal atmosphere of a residential setting or after-school activity.

During school activities that take place off the school site or out of school hours, a more relaxed discipline or informal dress and language code may be acceptable.

However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, staff and parents/carers should be informed of these prior to the start of the trip.

In all circumstances, those organising trips and outings should pay careful attention to ensuring that there is a safe staff/child ratio and suitable gender mix of staff.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in an out of school activity. Staff must be aware of and follow guidance.

This means that adults should:

- *adhere to their organisation's educational visits guidance*
- *always have another adult present in out of school activities, unless otherwise agreed with senior staff in school*
- *undertake a risk assessments*
- *have the appropriate consents in place (e.g. medical)*
- *have parental consent to the activity*
- *ensure that their behaviour remains professional at all times*
- *never share beds with a child/pupil*
- *never share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with Headteacher, parents/carers and pupils*
- *Never be under the influence of alcohol or drugs including those prescribed that may*

- impair judgement*
- *refer to local and national guidance for Educational visits, including exchange visits (both to the UK and aboard)*

30. First Aid and Administration of Medication

Any member of school staff may be asked to become a qualified first aider or to provide support to pupils with medical conditions, including the administering of medicines, but they cannot be required to do so unless this forms part of their contract of employment.

All schools must have **an adequate number of qualified first-aiders**.

Staff should receive appropriate training and achieve the necessary level of competence before they take on responsibility to support children with medical conditions

In emergency or exceptional circumstances if a school has no trained first aider, it is the responsibility of school leaders and / or the employer to identify a senior person on site each day to lead on any crisis or serious incident including the provision of first aid. This decision should be supported by a risk assessment that takes into account the number of staff, children and / or other visitors on site, the proximity of emergency services, any particular risks presented, etc. Risks should be minimised as much as possible, for example by not undertaking high risk or adventurous activities

Pupils may need medication during school hours. In circumstances where children need medication regularly, a health care plan should be drawn up to ensure the safety and protection of pupils and staff. This provided details of the level and type of support a child needs to manage effectively their medical condition in school and should include information about the medicine to be administered, the correct dosage and any storage requirements.

With the permission of parents/carers, children **who are competent** 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 pupil, this should be discussed with the appropriate senior colleague at the earliest opportunity. When administering first aid, wherever possible, staff should ensure that another adult is present, or aware of the action being taken. Parents/carers should always be informed when first aid has been administered.

Staff should receive sufficient and suitable training and achieve the necessary level of competency before they take on responsibility to support children with medical conditions.

Advice on managing medicines is included in the statutory guidance on supporting pupils at school with medical conditions

Members of staff taking medication which may affect their ability to care for children should seek medical advice regarding their suitability to do so and Headteachers should ensure that they only work directly with children if that advice confirms that the medication is unlikely to impair their ability to look after children. **Headteacher's are also responsible for managing the performance of their staff and for ensuring they are suitable to work with children.**

Staff medication on the premises must be securely stored and out of reach of children at all times.

This means that schools should:

- *ensure there are trained and named individuals to undertake first aid responsibilities, including paediatric first aid if relevant*
- *if there is no member of staff available who has completed 'first aid at work' training, identify a senior person to be responsible each day*
- *review and update first aid, medicines in school and crisis / emergency policies and relevant risk assessments*
- *ensure training is regularly monitored and updated*
- *refer to local and national First Aid guidance and guidance on meeting the needs of children with medical conditions*

This means that adults should:

- *adhere to the school or setting's health and safety and supporting pupils with medical conditions policies*
- *make other staff aware of the task being undertaken*
- *have regard to pupils' individual healthcare plans*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*
- *explain to the pupil what is happening.*
- *always act and be seen to act in the pupil's best interest*
- *make a record of all medications administered*
- *not work with pupils whilst taking medication unless medical advice confirms that they are able to do so*

31. Use of technology for online / virtual teaching

All settings should review their online safety and acceptable use policies and amend these if necessary, ensuring that all staff involved in virtual teaching or the use of technology to contact pupils are briefed on best practice and any temporary changes to policy / procedures.

When selecting a platform for online / virtual teaching, settings should satisfy themselves that the provider has an appropriate level of security. Wherever possible, staff should use school devices and contact pupils only via the pupil school email address / log in. This ensures that the setting's filtering and monitoring software is enabled.

In deciding whether to provide virtual or online learning for pupils, senior leaders should take into account issues such as accessibility within the family home, the mental health and wellbeing of children, including screen time, the potential for inappropriate behaviour by staff or pupils, staff access to the technology required, etc. Virtual lessons should be timetabled and senior staff, DSL and / or heads of department should be able to drop in to any virtual lesson at any time – the online version of entering a classroom.

Staff engaging in online learning should display the same standards of dress and conduct that they would in the real world; they should also role model this to pupils and parents. The following points should be considered:-

- think about the background; photos, artwork, identifying features, mirrors – ideally the backing should be blurred
- staff and pupils should be in living / communal areas – no bedrooms
- staff and pupils should be fully dressed
- filters at a child's home may be set at a threshold which is different to the school
- resources / videos must be age appropriate – the child may not have support

immediately to hand at home if they feel distressed or anxious about content

It is the responsibility of the staff member to act as a moderator; raise any issues of suitability (of dress, setting, behaviour) with the child and / or parent immediately and end the online interaction if necessary. Recording lessons does not prevent abuse. If staff wish to record the lesson they are teaching, consideration should be given to data protection issues; e.g., whether parental / pupil consent is needed and retention / storage. If a staff member believes that a child or parent is recording the interaction, the lesson should be brought to an end or that child should be logged out immediately. Staff, parent and pupil AUPs should clearly state the standards of conduct required.

If staff need to contact a pupil or parent by phone and do not have access to a work phone, they should discuss this with a senior member of staff and, if there is no alternative, always use 'caller withheld' to ensure the pupil / parent is not able to identify the staff member's personal contact details.

This means that senior leaders should:

- *review and amend their online safety and acceptable use policies to reflect the current situation*
- *ensure that all relevant staff have been briefed and understand the policies and the standards of conduct expected of them*
- *have clearly defined operating times for virtual learning*
- *consider the impact that virtual teaching may have on children and their parents/ carers / siblings*
- *determine whether there are alternatives to virtual teaching in 'real time' – e.g., using audio only, pre-recorded lessons, existing online resources*
- *be aware of the virtual learning timetable and ensure they have the capacity to join a range of lessons*
- *take into account any advice published by the local authority, MAP or their online safety / monitoring software provider*

This means that staff should:

- *adhere to their establishment's policy*
- *be fully dressed*
- *ensure that a senior member of staff is aware that the online lesson / meeting is taking place and for what purpose*
- *avoid one to one situations – request that a parent is present in the room for the duration, or ask a colleague or member of SLT to join the session*
- *only record a lesson or online meeting with a pupil where this has been agreed with the head teacher or other senior staff, and the pupil and their parent/carer have given explicit written consent to do so*
- *be able to justify images of pupils in their possession*

This means that adults should not:

- *contact pupils outside the operating times defined by senior leaders*
- *take or record images of pupils for their personal use*
- *record virtual lessons or meetings using personal equipment (unless agreed and risk assessed by senior staff)*
- *engage online while children are in a state of undress or semi-undress*

32. Curriculum

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

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

Care should be taken to comply with the setting's policy on spiritual, moral, social, cultural (SMSC) which should promote fundamental British values and be rigorously reviewed to ensure it is lawful and consistently applied. Staff should also comply at all times with the policy for relationships, sex and health education (RSHE). It should be noted that parents/carers have the right to withdraw their children from all or part of any sex education provided but not from the National Curriculum for Science

Where part of the school curriculum allows for student led projects, staff should be mindful of safeguarding considerations in the topic chosen and the methodology used. For example, students often choose topics with which they have had personal experience; this may indicate a previously unknown safeguarding issue or may raise concerns about the re-traumatisation of the student. Student projects are often conducted using questionnaires with peers; these should be checked for appropriateness to ensure the student respondents are not distressed by the questions asked and that any disclosures received through these questionnaires are picked up by the school's designated safeguarding lead. Other methodologies which might raise concerns include: students visiting unknown adults, alone, to interview them; conducting social experiments on peers or young children without parental consent; or accessing age-inappropriate content online.

This means that staff should:

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

This means that adults should not:

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

33. Duty to report concerns about an individual's suitability to work with children

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

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

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

This means that schools should:

- *have clear systems in place for all reporting of adults' behaviour causing concern.*
- *have clear systems in place for whistleblowing that are promoted to all staff and ensure that staff are made aware that all whistleblowing concerns should be reported in line with the school Whistleblowing Policy*
- *promote an open and transparent culture where staff feel valued and are confident to report any concerns*
- *ensure all concerns about adult conduct are listened to, received in a sensitive manner, taken seriously, actioned, recorded with clear outcomes.*
- *ensure all concerns that do meet the harm threshold are reported to the Local Authority Designated Officer within 24 hours*

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

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

Staff should be reminded of the routes for raising concerns during school closure or part closure, including how to escalate their concern if the normal routes for whistleblowing are impeded by the absence / illness of senior managers.

This means that staff should:

- *report any behaviour by colleagues that raises concern*
- *report allegations against staff, volunteers, governors, visitors or third parties. Allegations should be reported to the Headteacher or a senior member of staff in the first instance. Where there are concerns in relation to the Headteacher or their response, then members of staff should report their concerns directly to the Chair of Governors. The Chair of Governors will then take advice from the Local Authority Designated Officer and the Schools HR Advisory Service.*

If a member of staff wishes to report an allegation against a governor then they should report their concerns to the Chair of Governors

- *If a member of staff has a concern relating to the Chair of Governors then they should report their concern to the Local Authority Designated Officer, the Diocese (for aided schools) and the Schools HR Advisory Service.*
- be assured that the Headteacher or appropriate person will listen to your concerns and decide if any action is needed.
- recognise that further information may be required.
- say straight away if you don't want anyone else to know it was you who raised the concern although staff should be aware that their details may be disclosed in future proceedings
- Understand that they will not have a say in how their concern is dealt with.
- be keep informed about the action the employer has taken, but they can't give you much detail if they have to keep the confidence of other people.

34. Sharing Concerns and Recording Incidents

All staff should be aware of the school's child protection procedures, including procedures for dealing allegations against staff and volunteers, **which are informed by the schools policy, procedure and guidance for managing low level concerns and allegations that might indicate a person would pose a risk of harm.** Staff who are the subject of allegations are advised to contact their professional association/trade union.

In the event of an incident occurring, which may result in an action being misinterpreted and/or an allegation being made against a member of staff, the relevant information should be clearly and immediately recorded and reported to senior staff. Early discussion with a parent or carer could avoid any misunderstanding.

This means that adults:

- *should be familiar with their school/service system for recording concerns*
- *should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the school or workplace*
- *know how to contact the LADO, Schools HR **Advisory** Service, and Ofsted/regulatory body directly if required*

Members of staff should feel able to discuss with **the Designated Safeguarding Lead and/or Headteacher** any difficulties or problems that may affect their relationship with pupils 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 children

This means that schools

- *should have an effective, transparent and accessible system for recording and managing concerns raised by any individual in school or the workplace*

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

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