



Staff Code of Conduct

STAFF CODE OF CONDUCT POLICY (INCLUDING EYFS)

Policy Review Date: September 2021

Reviewed By: J Callaway & SLT

Next Review: September 2022 (or following incident, legislation or interim guidance)

Distribution

Please note that 2 copies of this policy are printed as standard and distributed to the following areas:

- 1) Staff Room
- 2) School Office

This policy is also made available on the school website.

Updates and Amendments to Policy

Date	Section Heading	Update Details	Page N°
SEPT 2020	APPENDIX 1	Safer Recruitment Consortium (May 2019) Guidance for Safer Working practice for those working with children and young people in education settings	
SEPT 2020	APPENDIX 2	Safer Recruitment Consortium (April 2020) ADDENDUM to Guidance for Safer Working practice for those working with children and young people in education settings	
SEPT 2021		Updated with due regard to KCSIE 2021 Highlights in Blue	

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23. **APPENDIX 2** Guidance for safer working practice for those working with children and young people in education settings (ADDENDUM April 2020)

Aims of this policy

Avalon expects all pupils to receive high-quality teaching and learning in a positive and respectful environment.

Staff should understand that their own behaviour, and the manner in which they conduct themselves with their colleagues, pupils, parents and other stakeholders, sets an example.

We recognise that the majority of staff members act appropriately and treat each other with dignity and respect; however, we consider it important to clarify the expected standards.

This policy forms part of a staff member's contract of employment and failure to comply with it, and with the associated school policies, may result in disciplinary action being taken, including legal action where this is warranted.

- This document applies to all staff members who are employed by the school, and to Peripatetic staff members

- This document does not apply to:

Employees of external contractors. These employees are governed by their employment contracts and any relevant laws pertaining to their activities within the school, for example, the UK GDPR and the Data Protection Act 2018.

1. Legislation

1.1. This policy has due regard to all legislation including, but not limited to, the following:

- The General Data Protection Regulation (GDPR)
- Data Protection Act 2018
- Education Act 2002
- The Children Act 1989
- The Working Time Regulations 1998 (as amended)
- Sexual Offences Act 2003

1.2. This policy also has due regard to statutory guidance including, but not limited to, the following:

- DfE (2020) 'Keeping children safe in education' (KCSIE)
- DfE (2018) 'Working Together to Safeguard Children'
- DfE (2018) 'Staffing and employment advice for schools'

In accordance with this Code of Conduct, staff must pay due regard to the following documents which can be found in Appendix 1 and Appendix 2 of this Code of Conduct:

- Safer Recruitment Consortium (May 2019) Guidance for Safer Working practice for those working with children and young people in education settings
- Safer Recruitment Consortium (April 2020) Addendum to Guidance for Safer Working practice for those working with children and young people in education settings

1.3. This policy operates in conjunction with all other school policies and includes, but not limited to:

- Child Protection and Safeguarding Policy
- Health and Safety Policy
- Data Protection Policy
- Equal Opportunities Policy
- Induction Policy
- Safer Recruitment Policy
- Intimate Care Policy
- Whistleblowing Policy
- Online Safety Policy
- Acceptable Use of IT Agreement
- Technology Acceptable Use Agreement – Staff
- Physical Intervention Policy

2. Safeguarding pupils

- 2.1. In accordance with **KCSIE 2021**, all staff members have a responsibility to safeguard pupils and protect and **promote** their welfare.
- 2.2. All staff members have a responsibility to ensure that they provide a learning environment in which pupils feel safe, secure and respected.
- 2.3. To effectively safeguard pupils, staff members are required to follow the procedures outlined in this Staff Code of Conduct, the Behaviour Policy and the Child Protection and Safeguarding Policy, ensuring that they do not act in a way that may put pupils at risk of harm, or lead others to question their actions.
- 2.4. In accordance with the school's Child Protection and Safeguarding Policy, staff members will be prepared to identify pupils who may be subject to, or at risk of of abuse and neglect including:
 - Physical abuse
 - Emotional abuse
 - Sexual abuse
 - Neglect
 - Peer-on-peer abuse
 - Serious violence
 - FGM
 - Child sexual exploitation (CSE)
 - Child criminal exploitation
 - **Bullying; this includes cyberbullying, and prejudice-based and discriminatory bullying**
- **Copies of policies and a copy of Part one (or Annex A for staff members not working directly with children) of KCSIE will be provided to staff at induction and during annual safeguarding training. Staff will have a clear understanding of the school's policies and procedures with regards to safeguarding issues, e.g. abuse, and the important role they play in preventing harm against pupils.**
- 2.5. In accordance with the school's Child Protection and Safeguarding Policy, staff will also be aware that the following factors could increase a pupil's risk of being subject to safeguarding issues:
 - Pupils who need a social worker (Child in Need and Child Protection Plans)
 - Pupils requiring mental health support
 - LAC and previously LAC
 - Pupils with SEND
 - **Pupils who identify as LGBTQ+.**
 - **Pupils perceived to be LGBTQ+.**

- Pupils struggling with mental health needs.
- Pupils who have a family member in prison, or who are affected by parental offending.
- Pupils that are frequently absent or permanently excluded from school.

2.6. If a staff member identifies a pupil who is subject to, or at risk of, abuse and neglect, they will follow the necessary reporting and referral procedures outlined in the Child Protection and Safeguarding Policy. Staff will be aware of the procedures to follow if a pupil tells them they are experiencing abuse, exploitation, or neglect.

2.7. In all cases, if a staff member feels unsure as to whether an incident or pupil would be classed as a safeguarding concern, they will speak directly to the DSL. Staff will not assume a colleague will take action and share information that might be critical in keeping children safe.

2.8. Staff will understand that even if there are no reports of peer-on-peer abuse in the school, this does not mean it is not happening. Staff will report any concerns regarding any form of abuse to the DSL without undue delay. Staff will understand the importance of challenging inappropriate behaviours between peers that are abusive in nature.

2.9. Any If a staff member feels unable to raise an issue with the school, they will use other whistleblowing channels, including contacting the NSPCC's helpline on 0800 028 0285 (between the hours of 8:00am and 8:00pm Monday to Friday) or email address help@nspcc.org.uk. Staff members can also access guidance at www.gov.uk/whistleblowing. Fear about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare of pupils.

If the concern is regarding the headteacher, staff will report this to the chair of the governing board.

2.10. Staff will partake in the appropriate safeguarding and child protection training, which will include online safety; additionally, staff will receive regular safeguarding and child protection updates at least annually.

2.11. Staff will recognise that, when teaching pupils about safeguarding and online safety, a one-size-fits-all approach may not be appropriate for every pupil, and a more personalised or contextualised approach may be needed for pupils who are vulnerable, victims of abuse and/or have SEND.

2.12. Staff will be aware of their local early help process and understand their role in it. Staff will also be aware of the process for making referrals to children's social care service (CSCS) and for statutory assessments under the Children Act 1989, along with the role they may be expected to play in such assessments.

- 2.13. Upskirting is not tolerated by the school and any incidents of upskirting must be reported to the DSL who will decide on the next steps to take, which may include involving the police.
- 2.14. If a staff member feels unable to raise an issue with the school, they will use other whistleblowing channels, including contacting the NSPCC's helpline on 0800 028 0285 (between the hours of 8:00am and 8:00pm Monday to Friday) or email help@nspcc.org.uk. Staff members can also access guidance at www.gov.uk/whistleblowing.
- 2.15. If the concern is regarding the headteacher, staff will report this to the chair of the governing board.
- 2.16. All staff will partake in the appropriate safeguarding and child protection training; additionally, all staff will receive regular safeguarding and child protection updates but at least annually.
- 2.17. Staff will be aware that confidentiality will never be promised to a pupil – staff will understand the procedure for if a pupil discloses a potential safeguarding issue, in accordance with the school's Child Protection and Safeguarding Policy.
- 2.18. Staff will reassure victims that they are being taken seriously and that they will be supported and kept safe by the school. Staff will never give the impression that pupils are creating a problem by reporting abuse, sexual violence or sexual harassment, nor should a pupil ever be made to feel ashamed for reporting an incident.
- 2.19. Staff will be aware that confidentiality must never be promised to a pupil – staff will understand the procedure for if a pupil discloses a potential safeguarding issue, in accordance with the school's Child Protection and Safeguarding Policy.
- 2.20. Staff will be aware of the school's legal duty to refer anyone who has harmed, or poses a risk of harm to, a child or vulnerable adult to the DBS – this includes where:
- The harm test is satisfied in respect of that individual
 - The individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence
 - The individual has been removed from working in regulated activity or would have been removed if they had not left their post

3. Appearance and dress

- 3.1. The school expects that staff members will:

- Ensure that their appearance is clean and neat when at work or representing the school.
- Dress in a manner that is appropriate to their role. (Jeans are not permitted)
- Remember that they are role models for pupils, and that their dress and appearance should reflect this.
- Not dress in a way that would cause embarrassment to pupils, parents, colleagues or other stakeholders.
- Cover any tattoos or body art whilst in school; small earrings are acceptable, but all other body piercings must be removed.
- Ensure personal hygiene and appearance is respectful of being employed in a school setting.

4. Attendance

4.1. The school expects that staff members will:

- Attend work in accordance with their contract of employment and associated terms and conditions in relation to hours, days of work and holidays.
- Make routine medical and dental appointments outside of their working hours or during holidays where at all possible.
- Refer to the school's Staff Leave of Absence Policy (see Staff Handbook) if they need time off for any reason other than personal illness.
- Follow the school's absence reporting procedure when they are absent from work due to illness or injury.

5. Professional behaviour and conduct

- 5.1. Staff members are expected to treat other colleagues, pupils, parents, and external contacts with dignity and respect.
- 5.2. The use of foul and abusive language will not be tolerated.
- 5.3. Discrimination, bullying, harassment or intimidation, including physical, sexual and verbal abuse, will not be tolerated.
- 5.4. Staff members will not misuse or misrepresent their position, qualifications or experience, or bring the school into disrepute.
- 5.5. Staff members will inform the headteacher if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution.
- 5.6. Staff will be aware that professional behaviour and conduct is expected to be extended to extra-curricular trips and visits too. All staff attending a trip or visits will act in accordance with this policy.

- 5.7. Staff will act appropriately in terms of the views they express (in particular political views) and the use of school resources at all times.

6. Conduct outside of work

- 6.1. Staff may undertake work outside school, either paid or voluntary, provided that it does not conflict with the interests of the school. The nature of the work cannot be seen to bring the school into disrepute, nor be at a level which may contravene the working time regulations or affect an individual's work performance.
- 6.2. Staff will not engage in outside work which could seriously damage the reputation and standing of the school or the employee's own reputation, or the reputation of other members of the school community. In particular, criminal offences that involve violence, possession or use of illegal drugs or sexual misconduct are unacceptable.
- 6.3. Staff will not engage in inappropriate use of social network sites which may bring themselves, the school, school community or employer into disrepute. This is explored further in the 'Acceptable Use' section of this policy

7. Smoking, alcohol and other substances

- 7.1. Staff will not smoke on, or directly outside the school premises.
- 7.2. Staff will not smoke whilst working with or supervising pupils off-site, such as when on educational visits and trips.
- 7.3. The taking of illegal drugs or alcohol during working hours is unacceptable and will not be tolerated. Staff members must never attend work under the influence of alcohol or illegal drugs.
- 7.4. If alcohol or drug usage impacts on a staff member's performance, the school has the right to discuss the matter with the employee and take appropriate action in accordance with the school's disciplinary procedures, including referral to the police.

8. Health and safety

- 8.1. Staff members will:
 - Be familiar with and adhere to the school's Health and Safety Policy and ensure that they take every action to keep themselves and everyone in the school environment safe and well.
 - Comply with health and safety regulations and use any safety equipment and protective clothing which is supplied to them, as appropriate.
 - Comply with hygiene requirements.
 - Comply with accident reporting requirements.

- Inform the headteacher of any paid work which is undertaken elsewhere, for compliance with The Working Time Regulations 1998 (as amended).

9. Declaration of interests

- 9.1. Staff members are required to declare their interests, both personal and financial, where a group or organisation they are affiliated with would be considered to be in conflict with the ethos of the school.
- 9.2. For the purposes of this policy, a financial conflict of interest is one where there is, or appears to be, opportunity for personal financial gain, financial gain for close relatives or friends, or where it may be reasonable for a third party to take the view that financial benefits may affect an individual's actions.
- 9.3. The term 'financial interest' means anything of monetary value, including the following:
 - Payments for services
 - Equity interests
 - Property rights
 - Hospitality or gifts
- 9.4. Examples of financial interests that must be declared include, but are not limited to, equity interests in services considered for use by the school.
- 9.5. Non-financial conflicts of interest can also come into conflict, or be perceived to come into conflict, with an individual's obligations or commitments to the school. These interests may include any benefit or advantage including, but not limited to, direct or indirect enhancement of an individual's career or gain for immediate family or someone with whom the individual has a close relationship.
- 9.6. Examples of situations that could give rise to non-financial conflicts of interest include the following:
 - Pressure or temptation to accept gifts, inducements or hospitality
 - Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the individual has a close personal relationship
 - Where a member of staff has or develops a close personal relationship with a colleague
- 9.7. Membership to a trade union or staff representative group does not need to be declared.
- 9.8. Staff members will also carefully consider whether they need to declare their relationship with any individual where this might cause a conflict with school activities.

- 9.9. Failure to make a relevant declaration of interests is a very serious breach of trust and, therefore, if employees are in doubt about a declaration, they are advised to contact the school.

10. Relationships with pupils

10.1. The school expects that staff will:

- Maintain professional boundaries and relationships with pupils at all times, and will consider whether their actions are warranted, proportionate, safe and necessary.
- Act in an open and transparent way that would not lead to others questioning their actions.
- Ensure that they do not establish social contact with pupils for the purpose of securing a friendship, or to pursue or strengthen a relationship.
- Ensure that they do not develop personal or sexual relationships with pupils: this includes sexual remarks and discussing their own sexual relationships with, or in the presence of, pupils.
- Only contact pupils via the school's established mechanisms: personal phone numbers, personal email addresses or social media platforms will not be used to contact pupils.

10.2. Under the Sexual Offences Act 2003, it is an offence for a person aged 18 or over to have a sexual relationship with a child under 18 where that person is in a position of trust in respect to that child, even if the relationship is consensual.

11. Physical contact with pupils

11.1. The school understands that there are circumstances in which it is entirely necessary for staff to have physical contact with pupils, e.g. when applying first aid and assisting with intimate care, but staff will only do so in a professional and appropriate manner in line with relevant school policies.

11.2. When physical contact is made with pupils, it is imperative that it is conducted in a way which is responsive to the pupil's needs, is of limited duration and is appropriate to their age, stage of development, gender, ethnicity and background.

11.3. Staff will seek the pupil's permission, where possible, before initiating contact.

11.4. Staff will always use their professional judgement when determining what physical contact is appropriate, as this may differ between pupils. As such, the pupil's feelings and wishes will always be taken into account.

11.5. Staff will never touch a pupil in a way which is indecent and will always be prepared to explain their actions.

- 11.6. Staff will be aware that even well-intentioned physical contact may be misconstrued by a pupil, an observer or by anyone to whom this action is described and, therefore, will be prepared to justify their actions.
- 11.7. Staff will not engage in rough play, tickling or play fights with pupils.
- 11.8. Extra caution will be taken where it is known that a pupil has previously suffered from abuse or neglect.
- 11.9. Physical contact will never be secretive; if a member of staff believes an action could be misinterpreted, this will be reported to the headteacher and appropriate procedures will be followed, including recording an incident using, as appropriate, the school's Physical Intervention Recording Form.
- 11.10. If a child is in distress and in need of comfort as reassurance, staff may use age-appropriate physical contact, such as placing their hand on the pupil's shoulder. Staff will remain self-aware of their actions at all times and ensure that their contact is not threatening, intrusive or subject to misinterpretation.
- 11.11. Staff may also use reasonable force / physical intervention as a means of physical contact with pupils for restraint and intervention purposes, such instances will always be in accordance with the school's Physical Intervention Policy.

12. Changing

- 12.1. Pupils are entitled to respect and privacy whilst they are changing before/after PE; however, a level of supervision is required to ensure that pupils are safe, and that they are not subjected to bullying.
- 12.2. The supervision will be appropriate to the needs and ages of the pupils, and sensitive to the potential for embarrassment.
- 12.3. Staff will announce their intention of entering the changing room to allow pupils to maintain their privacy.
- 12.4. Staff will never change in the same area as pupils.

13. Transporting pupils

- 13.1. When it is necessary to transport pupils off-site, staff will ensure that the transport arrangements of the vehicle meet all legal requirements, they have an appropriate licence and the vehicle is roadworthy, has a valid MOT certificate and is insured.
- 13.2. Staff will gain consent from parents before transporting pupils and will be aware that the welfare of all pupils in the vehicle is their responsibility.
- 13.3. Two or more staff will be present in the vehicle to avoid any discrepancy regarding safeguarding concerns.

14. Finance

14.1. Staff members will:

- Familiarise themselves and comply with the school's financial regulations.
- Declare to the governing board, in writing, any gifts received, apart from:
 - Low cost, functional items suitable for business rather than personal use and displaying the supplier's logo – these items may be accepted.
 - Gifts and vouchers offered by parents or pupils to school staff to express their gratitude, however any gifts in the form of money, should not be accepted by staff members.
 - Hospitality in the form of meals and drinks where it is part of a normal business meeting.
 - Authorised visits to exhibitions, demonstrations, conferences, business meals and social functions in connection with the school's business, which shall be at the school's expense.

15. Acceptable use of technology

15.1 Staff will adhere to the procedures outlined in the school's Online Safety Policy and Acceptable Use Agreement at all times.

15.2 Staff will be aware of how the use of technology can impact safeguarding and wellbeing issues, e.g. online abuse.

15.3 Staff will be vigilant to ensure their own behaviour is respectful and that pupils are using technology appropriately while under their care.

15.4 Staff are required to employ the highest security settings on any personal profiles they may have.

15.5 Staff will not engage in inappropriate use of social networking sites including contacting pupils or their family members, accepting or inviting friend requests from pupils or their family members, or following pupils or their family members on social media.

15.6 The school understands that some staff members are also parents of pupils at the school and, therefore, may wish to contact other parents. When doing so, staff will exercise their professional judgement and will not contact family members on social media if this would lead to a conflict of interest.

15.7 Staff will remain mindful of their use of social media and their web-based presence including written content, videos or photographs, and views expressed directly or indirectly which may bring themselves, the school or the school community into disrepute.

16. Premises, equipment and communication

- 16.1. School equipment and systems are available only for school-related activities and will not be used for the fulfilment of another job or for personal use, unless specifically authorised by the headteacher.
- 16.2. Illegal, inappropriate or unacceptable use of school equipment or communication systems may result in disciplinary action and, in serious cases, could lead to an employee's dismissal.
- 16.3. Employees receiving inappropriate communication or material, or who are unsure about whether something they propose to do might breach this policy, should seek advice from the headteacher.
- 16.4. The school reserves the right to monitor emails, phone calls, internet activity or document production, principally in order to avoid offensive or nuisance material and to protect systems from viruses, but also to ensure proper and effective use of systems.
- 16.5. Communication systems may be accessed when the school suspects that the employee has been misusing systems or facilities, or for the investigation of suspected fraud or other irregularity. Access will be secured by the School Business Manager, only with the permission of the Headteacher or Governing Board..
- 16.6. Passwords should not be shared and access to computer systems must be kept confidential except on the express request of the headteacher or SBM. Breaches of this confidentiality may be subject to disciplinary action.
- 16.7. School equipment that is used outside the premises, e.g. laptops, will be returned to the school when the employee leaves employment or if requested to do so by the headteacher.

17. Photography and videos

- 17.1. Photographs and videos will only be taken using school equipment – using personal mobile phones or personal devices for this purpose is strictly prohibited.
- 17.2. Consent for taking photographs will be obtained from parents, or the pupil themselves, if they are deemed old enough and able to make the decision for themselves.
- 17.3. Pupils who have not provided consent, either personally or via their parents, to have their photograph taken or be filmed will have their wishes respected, in line with the school's photograph permissions policy.

- 17.4. The headteacher will be notified of the proposed use of the imagery or video and the equipment and ensure that the use of such is included in lesson plans where this is necessary.
- 17.5. All photographs and videos will be available for scrutiny, and staff will be prepared to justify the images or footage taken.
- 17.6. Careful consideration will always be given to the activities which are being filmed or photographed, to ensure that images or videos are not indecent and cannot be misused.
- 17.7. Adults should not 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; or make audio recordings of a child's disclosure

18. Data protection and confidentiality

- 18.1. Regarding personal and sensitive data, staff members are required, under the GDPR and the Data Protection Act 2018, to:
 - Consider the legal basis for collecting the data, ensuring that this is documented.
 - Ensure that the data is stored on a GDPR-compliant server, and that the data is not held for any longer than necessary.
 - Securely dispose of the data when the relevant retention period ends.
- 18.2. Staff members will not disclose sensitive information about the school or its employees to other parties.
- 18.3. The only exception whereby it is acceptable for a staff member to disclose information that would otherwise be considered confidential is when the confidential information gives rise to concerns about the safety or welfare of a pupil.
- 18.4. Staff members have the right to request access to data that is held about them. Such requests will be made to the headteacher in writing in accordance with the school's Data Protection Policy.

19. Integrity of records

- 19.1. The deliberate falsification of documents, such as references, academic qualifications or legal documents, is unacceptable. Where a staff member falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence.

20. Contacts

- 20.1. Staff members will not use school business contacts for acquiring materials or services at trade/discount prices for non-school activities, unless participating in concessionary schemes arranged by trade unions or other such groups.

21. Monitoring and review

- 21.1. This document will be reviewed on an annual basis by the headteacher and any changes made will be communicated to all members of staff.
- 21.2. All members of staff are required to familiarise themselves with this document as part of their induction programme and on an annual basis in regard to any updates.

APPENDIX 1

Guidance for safer working practice for those working with children and young people in education settings

May 2019



Acknowledgments: Adapted and updated by the Safer Recruitment Consortium from an original IRSC / DfE document and with thanks to CAPE (Child Protection in Education) and NASS (National Association of Independent Schools and Non-Maintained Special Schools)

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Foreword

Safeguarding and promoting the welfare of children is everyone's responsibility and I welcome the Safer Recruitment Consortium's guidance. It provides simple but detailed and practical advice to schools, colleges and the three safeguarding partners. I would encourage this guidance to be read alongside the DfE statutory guidance *Keeping children safe in education* when devising and implementing safeguarding and child protection policies and procedures.

Nadhim Zahawi MP

Parliamentary Under-Secretary of State for Children and Families
Department for Education

I. Definitions

For ease of reading, references will be made to 'school' and setting. This term encompasses all types of educational establishments including academies, independent and free schools, pupil referral units, alternative provision, FE institutions, sixth form colleges and early years settings.

References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all pupils, including those over the age of 18 years. 'Child' should therefore be read to mean **any pupil** at the education establishment.

References made to adults and staff refer to all those who work with pupils in an educational establishment, in either a paid or unpaid capacity. This would also include, for example, those who are not directly employed by the school or setting, e.g. local authority staff, sports coaches, governors, or trustees.

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

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or,
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

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.

II. Overview and purpose of guidance

This document is an update by the Safer Recruitment Consortium of a document previously published for schools by the Department for Education and Skills (DfES). 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. Education staff asked for practical guidance about which behaviours constitute

safe practice and which behaviours should be avoided. This safe working practice document is NOT statutory guidance from the Department for Education (DfE); it is for employers, local authorities and/or the Three Safeguarding Partners to decide whether to use this as the basis for their code of conduct / staff behaviour guidelines.

The document seeks to ensure that the responsibilities of senior leaders of educational settings towards children and staff are discharged by raising awareness of illegal, unsafe, unprofessional and unwise behaviour. It should assist staff to monitor their own standards and practice and reduce the risk of allegations being made against them. It is also recognised that not all people who work with children work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by any person whose work brings them into contact with children.

The guidance will also support employers in giving a clear message that unacceptable 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 may 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 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 the 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 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 child protection policy and staff behaviour policy (sometimes called code of conduct) of which this document will become a part.

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.

It must be recognised that some allegations will be genuine as there are people who seek out, create or exploit opportunities to harm children. However, allegations may also be false or misplaced and may arise from differing perceptions of the same event. When they occur, they are inevitably distressing and difficult for all concerned. It is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them do so safely.

III. Underpinning principles

- The welfare of the child is paramount
- Staff should understand their responsibilities to safeguard and promote the welfare of pupils
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions

- Staff should work, and be seen to work, in an open and transparent way
- Staff should 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 if they have acted in a way which may give rise to concern
- Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation
- Staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children
- Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct prohibition from teaching by the Teaching Regulation Agency (TRA)
- Staff and managers should continually monitor and review practice to ensure this guidance is followed
- Staff should be aware of and understand their establishment's child protection policy, arrangements for managing allegations against staff, staff behaviour policy, whistle blowing procedure and the procedures of the relevant Multi-agency Partnership (MAP).

IV How to use this document

This document is intended only to be guidance to schools and does not have any statutory weight. However, where statutory guidance does exist in relation to a specific topic or practice, this is noted in the text.

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

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

1. Introduction

Adults have a crucial role to play in the lives of children. This guidance has been produced to help them establish the safest possible learning and working environments which safeguard children and reduce the risk of them being falsely accused of improper or unprofessional conduct.

2. Status of document

This document is endorsed and recommended by the Safer Recruitment Consortium. It should inform and assist employers to develop and review their guidelines on safer working practices. It may be used as reference by managers and Local Authority Designated Officers (the 'Designated Officer or DO'¹) when responding to allegations made against staff in education settings. This is **not** statutory guidance.

3. Responsibilities

Staff are accountable for the way in which they: exercise authority; manage risk; use resources; and safeguard children.

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

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

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

Employers have duties towards their employees and

This means that these guidelines:

- apply to **all** adults working in Education and Early Years settings whatever their position, role or responsibilities

This means that staff should:

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

This means that employers should:

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

This means that Managers / Proprietors/ Governing Bodies should:

- ensure that appropriate safeguarding and child protection policies and

¹ Working Together 2018 refers to the Designated Officer - some local authority arrangements continue to refer to the LADO. Whilst some local authorities may still be using the term LADO the acronym DO is used to denote the DO function as set out in Working Together to Safeguard Children 2018.

others under Health and Safety legislation which requires them to take steps to provide a safe working environment for staff.

procedures are distributed, adopted, implemented and monitored

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 Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of these guidelines.

4. Making professional judgements

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

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

5. Power and positions of trust and authority

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

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

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

This means that where no specific guidance exists staff should:

- *discuss the circumstances that informed their action, or their proposed action, with their line manager or, where appropriate, the school's designated safeguarding lead. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- *always discuss any misunderstanding, accidents or threats with the Head teacher or designated safeguarding lead*
- *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 Regulatory Body*

This means that staff should not:

- *use their position to gain access to information for their own advantage and/or a pupil'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*

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

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence² for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

6. Confidentiality

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

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

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

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

If a child - or their parent / carer - makes a disclosure regarding abuse or neglect, the member of staff should follow the setting's procedures. The adult should not

This means that school leaders should:

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

This means that staff:

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

² Sexual Offences Act 2003

promise confidentiality to a child or parent, but should give reassurance that the information will be treated sensitively.

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

7. Standards of behaviour

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

There may be times where an individual's actions in their personal life come under scrutiny from the community, the media or public authorities, including with regard to their own children, or children or adults in the community. Staff should be aware that their behaviour, either in or out of the workplace, could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the employer into disrepute. Such behaviour may also result in prohibition from teaching by the Teaching Regulation Agency (TRA) a bar from engaging in regulated activity, or action by another relevant regulatory body.

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

This means that staff should not:

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

This means that staff should:

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

This means that school leaders should:

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

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.

8. Dress and appearance

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However, staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegation.

9. Gifts, rewards, favouritism and exclusion

Settings should have policies in place regarding the giving of gifts or rewards to pupils and the receiving of gifts from them or their parents/carers and staff should be made aware of and understand what is expected of them.

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 pupils or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is usually 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 or their families. This could be interpreted as a gesture either to bribe or groom. It might also be perceived that a 'favour' of some kind is expected in return.

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

- *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.*

This means that staff should wear clothing which:

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory*
- *is compliant with professional standards*

This means that staff should:

- *be aware of and understand their organisation's relevant policies, e.g. rewarding positive behaviour*
- *ensure that gifts received or given in situations which may be misconstrued are declared and recorded*
- *only give gifts to a pupil as part of an agreed reward system*
- *where giving gifts other than as above, ensure that these are of insignificant value and given to all pupils equally*
- *ensure that all selection processes of pupils are fair and 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*

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

10. Infatuations and ‘crushes’

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

Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the headteacher or most senior manager³. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

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

11. Social contact outside of the workplace

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

It is also important to recognise that social contact may

This means that staff should:

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

This means that senior managers should:

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

This means that staff should:

- *always approve any planned social contact with pupils or parents with senior colleagues, for example when it is part of a reward scheme*
- *advise senior management of any regular social contact they have with a pupil which could give rise to concern*
- *refrain from sending personal communication to pupils or parents unless agreed with senior managers*

³ If the headteacher has the concern that a young person is becoming infatuated with them, they should report this to the chair of governors, trustees or proprietor.

provide opportunities for other types of grooming such as for the purpose of sexual exploitation or radicalisation.

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

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

Some staff may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the staff member or seeks support outside of their professional role this should be discussed with senior management and where necessary referrals made to the appropriate support agency.

12. Communication with children (including the use of technology)

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

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

Communication with children both in the 'real' world and through web based and telecommunication interactions should take place within explicit professional boundaries. This includes the use of computers, tablets, phones, texts, e-mails, instant messages, social media such as Facebook and Twitter, chat-rooms, forums, blogs, websites, gaming sites, digital cameras, videos, web-cams and other hand-held devices. (Given the ever-changing world of technology it should be noted that this list gives examples only and is not exhaustive.)

Staff should not request or respond to any personal

- *inform senior management of any relationship with a parent where this extends beyond the usual parent/professional relationship*
- *inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring*

This means that adults should:

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

This means that education settings should:

- *wherever possible, provide school devices such as cameras and mobile phones rather than expecting staff to use their own (e.g. on school trips)*

information from children other than which may be necessary in their professional role. They should ensure that their communications are open and transparent and avoid any communication which could be interpreted as 'grooming behaviour'

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

Staff should, in any communication with children, also follow the guidance in section 7 'Standards of Behaviour'.

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

13. Physical contact

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

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

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

Any physical contact should be in response to the

This means that staff should:

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

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

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

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. Staff need to be aware that the child may associate physical contact with such experiences. They also should recognise that these pupils may seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively and help them to understand the importance of personal boundaries.

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

14. Other activities that require physical contact

In certain curriculum areas, such as PE, drama or music, staff may need to initiate some physical contact with children, for example, to demonstrate technique in the use of a piece of equipment, adjust posture, or support a child so they can perform an activity safely or prevent injury.

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear and undertaken with the permission of the pupil. Contact should be relevant to their age / understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil.

This means that education settings 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 children in their care*

This means that staff 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 where a pupil is unable to give this; e.g. because of age or disability*
- *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 aware of gender, cultural and religious issues that may need to be considered prior to initiating physical*

Guidance and protocols around safe and appropriate physical contact may be provided, for example, by sports governing bodies and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent or carer.

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

15 Intimate / personal care

Schools and settings should have clear nappy or pad changing and intimate / personal care policies which ensure that the health, safety, independence and welfare of children is promoted and their dignity and privacy are respected. Arrangements for intimate and personal care should be open and transparent and accompanied by recording systems.

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

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

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

Pupils are entitled to respect and privacy at all times and especially when in a state of undress, including, for

contact

This means that schools/settings 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 staff are made aware of this guidance and that it is continually promoted*

This means that education settings should:

- *have written care plans in place for any pupil who could be expected to require intimate care*
- *ensure that pupils are actively consulted about their own care plan*

This means that staff should:

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

This means that adults should not:

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

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

16 Behaviour management

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

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

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

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

Senior managers should ensure that the 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.

17. The use of 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 child⁴.

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

This means that staff should:

- *not use force as a form of punishment*
- *try to defuse situations before they escalate e.g. by distraction*
- *keep parents informed of any sanctions or behaviour management techniques used*
- *be mindful of and sensitive to factors both inside and outside of the school or setting which may impact on a pupil's behaviour*
- *follow the establishment's behaviour management policy*
- *behave as a role model*
- *avoid shouting at children other than as a warning in an emergency/safety situation*
- *refer to national and local policy and guidance regarding Restrictive Physical Intervention (RPI)*
- *be aware of the legislation and potential risks associated with the use of isolation and seclusion*
- *comply with legislation and guidance in relation to human rights and restriction of liberty*

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*

⁴ Para 3.52 Statutory framework for the early years foundation stage (DfE April 2017).

- 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.

Care staff in residential special schools which are also registered as children's homes are not permitted to use physical intervention to maintain good order or discipline and should refer to the Children's Homes Regulations (England) 2015 for information.

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 or setting 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 a manager and the child's parents. (In a children's home it is a legal requirement to record such incidents.)

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.

18. 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 age⁵ and sexual activity with a child could be a matter for criminal and/or disciplinary procedures.

Pupils are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions

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*

This means that staff should:

- *not have any form of sexual contact with a pupil from the school or setting*
- *avoid any form of touch or comment which is, or may be considered to be, indecent*
- *avoid any form of communication with a pupil which could be interpreted as sexually suggestive, provocative or give rise to speculation e.g. verbal comments,*

⁵ Sexual Offences Act 2003: abuse of a position of trust

depending on their age and understanding. This includes the prohibition of sexual activity with children by adults in a position of trust.

Sexual activity involves physical contact including penetrative and non-penetrative acts, however it also includes non-contact activities, such as causing pupils to engage in or watch sexual activity or the production of pornographic material.

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

19. One to one situations

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

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

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

20. Home visits

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

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

letters, notes, by email or on social media, phone calls, texts, physical contact

- *not make sexual remarks to or about a pupil*
- *not discuss sexual matters with or in the presence of pupils other than within agreed curriculum content or as part of their recognised job role*

This means that staff should:

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

This means that staff should:

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

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.

21. 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.⁶

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 compromised⁷.

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

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

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

22 ensure any behaviour or situation which gives rise to concern is discussed with their manager

This means that education settings 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 all visits are justified and recorded
- 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

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:

⁶ See also <https://www.gov.uk/government/publications/health-and-safety-advice-for-schools>

⁷ OEAP updated guidance (July 2018) <https://oeapng.info/3618-transporting-young-people-in-private-cars/>

for younger children.

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

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

- *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 assessment⁸*

22. Educational visits

Staff responsible for organising educational visits should be familiar with the Department for Education's advice on Health and Safety available at <https://www.gov.uk/government/publications/health-and-safety-on-educational-visits>⁹

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

This means that staff should:

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

⁸ OEAP updated guidance (July 2018) <https://oeapng.info/3618-transporting-young-people-in-private-cars/>

⁹ Guidance is also available from the Outdoor Education Advisers' Panel <http://oeapng.info/>

out.

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

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

23. First Aid and medication

All settings should have an adequate number of qualified first-aiders. Parents should be informed when first aid has been administered.

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 employment¹⁰

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. In circumstances where a pupil needs medication regularly, this would usually be recorded in their individual healthcare plan. This provides 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.

After discussion with parents, children who are competent should be encouraged to take responsibility for managing their own medicines and procedures. This

This means that education settings should:

- *ensure there are trained and named individuals to undertake first aid responsibilities, including paediatric first aid if relevant*
- *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 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*

¹⁰ Teachers cannot be required to do these tasks but other members of staff, whose contracts are agreed locally, can be required to do so if their contracts provide for it.

could include for example, the application of any ointment or sun cream, or use of inhalers or Epipens.

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

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

Risk assessment is likely to recommend that staff medication on the premises must be securely stored and out of reach of children at all times

24. Photography, videos and other images / media

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

All settings should have arrangements with regard 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 e.g. cameras, mobile-phones, smart phones, tablets, web-cams etc. and arrangements for the use of these by both staff, parents 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

This means that staff should:

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

This means that adults should not:

- *take images of pupils for their personal use*
- *display or distribute images of pupils unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child)*
- *take images of children using personal equipment*
- *take images of children in a state of undress or semi-undress*
- *take images of a child's injury, bruising or similar (e.g. following a disclosure of*

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 by those authorised to do so.

25. Exposure to inappropriate images

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

There are no circumstances that will justify adults: making, downloading, possessing or distributing indecent images or pseudo-images of children (child abuse images). Accessing these images, whether using the setting's 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 Designated Officer (DO) and the police contacted if relevant. The images/equipment should be secured and there should be no attempt to view or delete the images as this could jeopardise necessary criminal action. If the images are of children known to the school, a referral should also be made to children's social care in line with local arrangements.

Under no circumstances should any adult use school or setting equipment to access pornography. Personal equipment containing pornography or links to it should

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*

This means that staff should:

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

never be brought into or used in the workplace. This will raise serious concerns about the suitability of the adult to continue working with children and young people.

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

26. Personal living accommodation including on-site provision

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

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

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

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

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, examination boards may allow candidates to take an examination the following morning, including Saturdays.

The supervision of a candidate on journeys to and from the centre and overnight may be undertaken by the candidate's parent/carer or centre staff.

This means that staff should:

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

This means that:

- *schools should ensure that all arrangements reflect a duty of care towards pupils and staff*

Where staff do supervise candidates overnight:

- *a full health and safety risk assessment should have been undertaken*
- *all members of the household should have had appropriate vetting including,*

The examination board requires the centre to determine a method of supervision which ensures the candidate's wellbeing. As a result, in some circumstances staff may be asked to volunteer to supervise students perhaps in their own homes.

The overriding consideration should be the safeguarding of both the pupil and staff; therefore many local authorities, professional associations and unions do not endorse the practice of staff supervising candidates overnight in their own homes. Some schools employ alternatives such as a 'sleep-over' on the school premises.

Where arrangements are made for a staff member to supervise a pupil overnight then all necessary safeguards should be in place.

28. Curriculum

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

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

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

where eligible, DBS and barred list checks

- *all arrangements should be made in partnership and agreement with the pupil and parents/carers*
- *arrangements involving one to one supervision should be avoided wherever possible.*
- *as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision*
- *whenever possible, independent oversight of arrangements should be made*
- *any situation which gives rise to complaint, disagreement or misunderstanding should be reported*
- *staff should have regard to any local and national guidance*

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*

29. Whistleblowing

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

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

30. Sharing concerns and recording incidents

All staff should be aware of their establishment's safeguarding procedures, including the procedures for dealing with allegations against staff and volunteers.

In the event of an allegation being made, by any person, or incident being witnessed, the relevant information should be immediately recorded and reported to the headteacher, senior manager or Designated Safeguarding Lead as appropriate.

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

In order to safeguard and protect pupils and colleagues, where staff have any concerns about someone who works with children they should immediately report this to the Head teacher, proprietor or senior manager in line with the setting's procedures.

This means that schools and settings should:

- *have a whistleblowing policy in place which is known to all*
- *include in the whistleblowing policy how to escalate concerns if they believe that safeguarding arrangements in the setting are not effective, or a child/ren are not being protected*
- *have clear procedures for dealing with allegations against persons working in or on behalf of the school or setting*

This means that staff should:

- *escalate their concerns if they believe a child or children are not being protected*
- *report any behaviour by colleagues that raises concern*
- *report allegations against staff and volunteers to their manager, or registered provider, or where they have concerns about the manager's response report these directly to the DO*

This means that staff should:

- *be familiar with their establishment's arrangements for reporting and recording concerns and allegations*
- *know how to contact the DO and Ofsted/regulatory body directly if required*
- *take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the school or setting*

This means that education settings should:

- *have an effective, confidential system for recording and managing concerns raised by any individual regarding adults' conduct and any allegations against staff and volunteers.*

APPENDIX 2

Guidance for safer working practice for those working with children and young people in education settings

Addendum April 2020

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I. Context

The DfE website page relating to safeguarding arrangements in schools during the Coronavirus (COVID-19) pandemic says “Whilst acknowledging the pressure that schools and colleges are under, it remains essential that as far as possible they continue to be safe places for children.” This addendum is intended as a temporary supplement to the *Guidance for Safer Working Practice for those working with children and young people in education settings*.

II. Overview and purpose of guidance

This document is an addendum to the non-statutory ‘guidance for safer working practice’ 2019, an adaptation by the Safer Recruitment Consortium of a document previously published for schools by the Department for Education and Skills (DfES). This addendum to the safer working practice document is NOT statutory guidance from the Department for Education (DfE); it is for employers, local authorities and/or the three safeguarding partners to decide whether to use this as the basis for their code of conduct / staff behaviour guidelines.

The document seeks to ensure that the responsibilities of senior leaders of educational settings towards children and staff are discharged by raising awareness of illegal, unsafe, unprofessional and unwise behaviour.

The 2019 guidance made clear that whilst every attempt had been made to cover a wide range of situations, it should be recognised that any guidance cannot cover all eventualities. The current pandemic with its associated closure of schools to most children is one such example of a circumstance which had not been foreseen and where Government, local authorities, school leaders and staff are having to review and amend guidance rapidly.

Now more than ever before, professional judgements may need to be made in situations not covered by existing guidance, or which directly contravene the guidance given by the employer. In such 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 which support safeguarding and any temporary amendment to these should be explained to them by senior managers. This includes the school’s child protection policy, staff behaviour policy (sometimes called the code of conduct) and online safety / acceptable use policy.

III. Underpinning principles

- The welfare of the child is paramount
- Staff should understand their responsibilities to safeguard and promote the welfare of pupils
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should work, and be seen to work, in an open and transparent way

- Staff should 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 if they have acted in a way which may give rise to concern
- Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation
- Staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children
- Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct prohibition from teaching by the Teaching Regulation Agency (TRA)
- Staff and managers should continually monitor and review practice to ensure this guidance is followed
- Staff should be aware of and understand their establishment's child protection policy, arrangements for managing allegations against staff, staff behaviour policy, whistle blowing procedure and the procedures of the relevant Multi-agency Partnership (MAP).

IV. How to use this addendum

This addendum and its parent document are intended only to be guidance to schools and do not have any statutory weight. However, where statutory guidance does exist in relation to a specific topic or practice, this is noted in the text.

Each section in the Guidance for Safer Working Practice provides general guidance about a particular aspect of work and, in the right-hand column, specific guidance about which behaviours should be avoided and which are recommended. This addendum only highlights sections or areas where specific changes or additions are required during the pandemic.

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

3. Responsibilities

Staff are accountable for the way in which they: exercise authority; manage risk; use resources; and safeguard children.

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

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

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

Employers have duties towards their employees and others under Health and Safety legislation which requires them to take steps to provide a safe working environment for staff.

Legislation also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of these guidelines.

5 Power and positions of trust and authority

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

The relationship between a person working with a child/ren is one in which the adult has a position of

This means that managers / proprietors/ governing bodies should:

- ensure that appropriate safeguarding and child protection policies and procedures are distributed, adopted, implemented and monitored
- update or amend their CP policy and other safeguarding policies in the light of DfE guidance on safeguarding children during the COVID pandemic
- ensure that if there is no trained DSL on site, a senior member of staff is identified to lead on safeguarding issues

This means that staff should:

- understand the responsibilities 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

This means that employers should:

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

This means that staff should not:

- use their position to gain access to information for their own advantage and/or a pupil'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

power or influence. It is vital for adults to understand this power; that the relationship cannot be one between equals and the responsibility they must exercise as a consequence.

are of a sexual nature, or which may become so

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

Staff should always maintain appropriate professional boundaries, avoid behaviour which could be misinterpreted by others and report any such incident to a senior manager. 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 24a.

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence¹ for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

8. Dress and appearance

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However, staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily 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 viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegation.

This means that staff should wear clothing which:

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

12 Communication with children (including the use of technology)

See also addendum section 24a.

¹ Sexual Offences Act 2003

15 Intimate / personal care

Schools and settings should have clear nappy or pad changing and intimate / personal care policies which ensure that the health, safety, independence and welfare of children is promoted and their dignity and privacy are respected. Arrangements for intimate and personal care should be open and transparent and accompanied by recording systems.

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

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

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

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.

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

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, etc.
- 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 staff should:

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

This means that adults should not:

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

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

19. One to one situations

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

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

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

During the current school closures, the DfE suggests that if there is only one vulnerable child or child of a critical worker, the school should consider closing, and liaise with the local authority to identify alternative provision; e.g., at a hub school. If the school must remain open with only one or two children, there should be more than one member of staff to meet fire safety, first aid, supervision and other emergency procedures.

20. Home visits

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

In the current situation, some settings may ask staff to undertake welfare visits, particularly in the EYFS or to primary age children. Settings should take into account the advice of their local authority early years service and / or MAP when deciding whether these home visits

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 staff should:

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

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

are proportionate and desirable. Staff will normally undertake home visits with a colleague. Staff undertaking welfare visits should always try to give parents / carers advance warning unless there is good reason not to; e.g. because the visit has been prompted by safeguarding concerns and / or is at the request of children's social care. In these cases, one of the staff undertaking the visit should be a Designated safeguarding lead or deputy safeguarding person. The purpose of the visit should be clarified and staff should be aware of the circumstances in which emergency services or partner agencies should be contacted.

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

23. First Aid and medication

The narrative of section 23 in the parent document still stands. However, it is worth noting that in exceptional circumstances, the *Managing Health & Safety at Work Regulations* do allow an organisation to function without any member of staff being trained in 'First Aid at Work'. If a school has no trained first aider due to COVID-19, 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.

Staff whose 'first aid at work' training is about to or has

- ensure there is visual access and/or an open door in one to one situations
- observe social distancing at all times
- 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 their manager

This means that education settings 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 number

This means that education settings 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
- 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

expired since 16th March 2020 should be aware that the HSE has agreed an extension of 3 months for renewal.

Depending on the ages of the children accessing the provision, there may need to be at least one person trained in paediatric first aid at all times when children are on site.

24a. Use of technology for online / virtual teaching

The narrative of section 24 remains relevant. However, there has been a sharp increase in the use of technology for remote learning since March 2020 and this addendum provides some basic guidelines for staff and school leaders.

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

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*

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*

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.

28. Whistleblowing

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

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

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

This means that schools and settings should:

- have a whistleblowing policy in place which is known to all and which has been reviewed / amended in the light of the current pandemic
- include in the whistleblowing policy how to escalate concerns if they believe that safeguarding arrangements in the setting are not effective, or a child/ren are not being protected
- have clear procedures for dealing with allegations against persons working in or on behalf of the school or setting

This means that staff should:

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.

- *escalate their concerns if they believe a child or children are not being protected*
- *report any behaviour by colleagues that raises concern*
- *report allegations against staff and volunteers to their manager, or registered provider, or where they have concerns about the manager's response report these directly to the*

Signed by:

Headteacher

Date:

Chair of governors

Date:
