



<p><b>Warwick Schools Foundation</b></p> <p><b>Staff Code of Conduct Policy</b></p> <p>(Applicable to all Foundation schools and Professional Services)</p>	
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# Section 1

## 1.1 Introduction

This Code of Conduct is the Foundation's Staff Behaviour Policy as required by statutory guidance *Keeping Children Safe in Education (2025)*. This Code of Conduct applies to all those employed by the Warwick Schools Foundation as staff members or volunteers. It is a core component of the Warwick Schools Foundation's (the **Foundation**) strategy to fulfil its statutory responsibilities to safeguard and promote the welfare of all children in all of its schools (**Warwick Preparatory School, King's High School, Warwick Junior School, Warwick School, The Kingsley School**) and **Professional Services**. The Code of Conduct is referred to throughout the document as 'the Code'.

All staff and volunteers have personal and legal responsibilities that are wider than their safeguarding responsibilities, including treating others with dignity and respect; acting honestly; using charitable funds and school equipment appropriately; adhering to health and safety guidelines; and always practising equal opportunities. These expectations are also set out in the Code and should be fully observed by all staff and volunteers, including the Foundation Principal, Heads, Foundation Bursar, Senior Management, and Governors.

**This Code of Conduct should be read in conjunction with the Employee Handbook.**

## 1.2 Definitions

References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the Code apply to professional behaviours towards all children, including those over the age of 18 years. 'Child' should therefore be read to mean any child at any of our schools in the Foundation.

References made to adults and staff refer to all those who work with children 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., external advisors, independent/peripatetic sports coaches and music tutors, governors, trustees and volunteers.

The term 'allegation' may be interpreted to include any breach of or failure to comply with this code but will always include behaviour that would warrant referral to the Local Authority's Designated Officer for Safeguarding (LADO). Please refer to 1.3 below for criteria for referral to the Designated Officer.

An 'allegation' means where it is alleged that a person who works with children has:

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

## 1.3 Purpose of the Code of Conduct

This Code is based on an update by the Safer Recruitment Consortium (2022), a document

previously published for schools by Department of Education and Skills. It was initially issued as those working with children expressed concern about their vulnerability and requested clearer advice about what constitutes illegal behaviour and what might be considered misconduct. Education staff asked for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided.

The Code seeks to ensure that the responsibilities towards children and staff are discharged by:

- Raising awareness of illegal, unsafe, unprofessional and unwise behaviour;
- Clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- Assisting staff to monitor their own standards and practice and reduce the risk of allegations being made against them;
- Reducing the incidence of positions of trust being abused or misused;
- Supporting safer recruitment practice.

It is also recognised that not all people who work with children work as paid or contracted staff. All adults working with children must understand that the nature of their work, and the responsibilities related to that work, place them in a position of trust. The principles and guidance outlined in the Code apply and should be followed by any person whose work brings them into contact with children.

The Code is intended to provide a clear message that unacceptable behaviour will not be tolerated and that, where appropriate, legal or disciplinary action is likely to follow. The Foundation may refer to the Code in any disciplinary proceedings.

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

All adults who work with children have a responsibility to be aware of systems within their School/setting which support safeguarding, and these should be explained to them as part of staff induction and in regular staff training sessions. That includes this Code and the Foundation's Safeguarding and Child Protection Policy.

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

It is recognised that the vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best

outcomes for children in their care. However, it is also recognised that achieving those aims is not always straightforward, as it relies on child and staff interactions where tensions and misunderstandings can occur. This Code aims to reduce the risk of those misunderstandings. It must be recognised that some allegations will be genuine as there are people who seek out, create, or exploit opportunities to harm children. Some allegations may be deemed 'low level concerns'<sup>1</sup> and may not mean the adult responsible for them intends to harm a child but:

- Their behaviour does not support a culture of safeguarding; and/or
- Their behaviour may be an early indicator they are struggling to cope with their work for some reason and are therefore at risk of behaving unsafely in some way; and/or
- They may need support to establish or maintain appropriate professional boundaries and/or to continue working safely with children; and/or
- Their behaviour may unwittingly mask the harmful behaviour or intentions of others by undermining adherence to this Code and/or the Foundation's culture of safeguarding.

Allegations may also be false or misplaced and may arise from differing perceptions of the same event. In any circumstance, when allegations 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. If any member of staff or volunteer is affected by anything they have witnessed and/or reported, or is facing any form of allegation, support is available from the HR department, the Employee Assistance Programme and their union.

As required by *KCSiE 2025* (Part Four), the Local Authority's Designated Officer (LADO) will be informed within one working day of all allegations or concerns.

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

The Code forms part of an employee's contract of employment. Failure to comply with it and with the associated school policies as highlighted in 'Required Reading' may result in disciplinary action being taken where breaches of the Code warrant such action. The Code is provided for all staff and volunteers as part of their pre-employment information. They are required to access it via an online platform, and asked to read and confirm acceptance before they commence work at the Foundation. Before having any contact with children, all staff and volunteers should be allowed to discuss the Code with a member of the school leadership team and ask any questions to clarify understanding.

All existing staff and volunteers are expected to read the code on an annual basis to ensure that they are aware of the content, and any changes which have been made. This Code is accessed via an online platform, and staff are asked to read and confirm acceptance annually.

#### **1.5 Duty of Disclosure**

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<sup>1</sup> *Keeping Children Safe in Education 2025* (Part four, section two) defines low level concerns as those concerns and allegations which do not meet the harm threshold, i.e. allegations that indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school or college. *KCSiE* goes on to say that such low-level concerns may arise in several ways and from a number of sources, e.g. suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the harm threshold set out below, which require referral to the LADO.

Staff and volunteers are required to immediately notify the school if staff or volunteers are:

- subject to any change in their circumstances that affects their right to work in the United Kingdom;
- barred from working with children or vulnerable adults;
- the subject of a referral to the Disclosure and Barring Service (DBS) or any successor body;
- the subject of a referral to the National College of Teaching and Leadership or any successor body;
- arrested, charged, or convicted of any criminal offence;
- subject to an investigation for any allegation of a disciplinary nature at any other employer or organisation at which you are a volunteer;
- in receipt of a police caution, reprimand, or warning, or if there is a formal child protection investigation of you or any member of your household.

## 1.6 Background

All adults who come into contact with children in their work whether paid or unpaid have a duty of care<sup>2</sup> to safeguard and promote their welfare.

The Education Act 2002 (section 175), the Education (Independent School Standards) Regulations 2014 and the Education (Non-Maintained Special Schools) (England) Regulations 2015 place duties upon all schools and colleges to carry out their duties regarding safeguarding and promoting the welfare of children.

The Children Act 2004 places a duty on organisations to safeguard and promote the wellbeing of children and young people. This includes the need to ensure that all adults who work with or on behalf of children and young people in these organisations are competent, confident and safe to do so.

*Working Together to Safeguard Children*<sup>3</sup> (2023) and *Keeping Children Safe in Education*<sup>4</sup> (2025) defines safeguarding as 'protecting children from maltreatment; preventing impairment of children's mental and physical health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes. The Code has due regard to current legislation and statutory guidance.

## 1.7 Underlying Principles

- The welfare of the child is paramount.
- Staff and volunteers should understand their responsibilities to safeguard and promote the welfare of children;
- Staff and volunteers are responsible for their actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions;
- Staff and volunteers should work, and be seen to work, openly and transparently;

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<sup>2</sup> The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care.

<sup>3</sup> Working Together to Safeguard Children - A guide to interagency working to safeguard and promote the welfare of children - DfE 2023

<sup>4</sup> Keeping Children Safe in Education - statutory guidance for schools and colleges – DfE 2025.

- Staff and volunteers should acknowledge that deliberately invented/malicious allegations by children are extremely rare and that all concerns should be reported and recorded;
- Staff and volunteers should discuss and/or take advice promptly from their line manager if they have acted in a way which may give rise to concern;
- Staff and volunteers should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation;
- Staff and volunteers should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for, or work alongside children;
- Staff and volunteers should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or, for acts of serious misconduct by teachers, prohibition from teaching by the Teaching Regulation Agency (TRA);
- Staff and managers should continually monitor and review practice to ensure this guidance is followed;
- Staff and volunteers should be aware of and understand the Foundation's Safeguarding and Child Protection Policy, arrangements for managing allegations against staff, staff code of conduct policy, whistle-blowing procedure and the local inter-agency safeguarding procedures established by the local multi-agency partnership Warwickshire Safeguarding.

## Section 2

### 1. Context

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

*This means that this Code:*

- W Applies to all adults working in all education and early years settings, whatever their position, role, or responsibilities.

In any such unusual/unprecedented/unexpected circumstances, professional judgements may need to be made in situations not covered by existing guidance, or which directly contravene guidance previously issued. In such circumstances, staff are expected always to advise their Head, Foundation Bursar or Designated Safeguarding Lead of the justification for any such action already taken or proposed, and documented appropriately.

*This means that staff and volunteers should:*

- W Inform their Head, Foundation Bursar or designated safeguarding lead immediately of any situation or action taken that is in contravention of any Foundation/ School policy and the reasons / justification for taking that action.

All staff have a responsibility to be aware of systems within the Foundation which support safeguarding and any temporary amendment to these should be explained to them by senior managers. This includes the Foundation's Safeguarding and Child Protection Policy, this Code, the School's child behaviour policy and the acceptable use policy.

*This means that managers/ governing body should:*

- W Communicate to staff all updates and temporary changes to policies and systems that support safeguarding; and check that staff have received and understood any changes.

### 2. 'Unsuitability'

The guidance contained in this Code is an attempt to identify what behaviours are expected of staff and volunteers who work with children and young people in or on behalf of the Foundation and its Schools. Adults whose practice deviates from this Code may bring into question their suitability to work with children and young people. The guidance may be used as a reference by managers and the Designated Officers in the Local Authority when responding to allegations made against or concerns about the behaviour of staff in education and early years settings.

*This means that staff and volunteers should:*

- W Have a clear understanding about the nature and content of this Code;
- W Discuss any uncertainties or confusion with their line manager;
- W Understand which behaviours may call into question their suitability to continue to work with children and young people, including behaviours outside school known as transferable risk.

### 3. Duty of Care

All adults who work with and on behalf of children are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children and young people.

Whether working in a paid or voluntary capacity, those adults have a responsibility to keep children and young people safe and to protect them from sexual, physical, and emotional harm, neglect and contextual safeguarding concerns, including sexual and criminal exploitation and radicalisation. Children and young people have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of children and young people. Failure to do so may be regarded as professional misconduct, and disciplinary action may be taken.

*This means that staff and volunteers should:*

- W Always act and be seen to act in the best interests of children;*
- W Avoid any conduct which would lead any reasonable person to question their motivation and intentions;*
- W Take responsibility for their own actions and behaviour;*
- W Outside school known as transferable risk.*

The safeguarding culture of the Foundation is in part, exercised through the development of respectful, caring, and professional relationships between adults, children and young people. It is also exercised through the behaviour of adults, which always should demonstrate integrity, maturity and good judgement.

*This means that employers should:*

- W Promote a culture of openness and support;*
- W Ensure that systems are in place for concerns to be raised;*
- W Ensure that you do not put yourself in a situation which makes you particularly vulnerable.*

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

*This means that*

- W Ensure that all job descriptions and person specifications clearly identify each member of staff and volunteer's responsibility for safeguarding children in school and reflects the competences necessary to fulfil the school's and the individual's duty of care.*

Under the Health and Safety at Work Act (1974), the Foundation has a duty of care to ensure employee's health, safety and welfare at work, whilst also protecting volunteers against the health and safety risks arising from work activities.

#### Staff

Legislation also imposes a duty on staff<sup>5</sup> to take care of themselves and anyone else who may be affected by their actions or failings. Health and Safety duties and the staff/volunteers' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of this guidance.

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<sup>5</sup> Health and Safety at Work Act 1974 Part I, Section.7

#### 4. Making professional judgements

This guidance cannot provide a complete checklist of what is or is not appropriate behaviour for staff and volunteers in all circumstances. It does highlight, however, behaviour which is illegal, inappropriate, or inadvisable. There will be rare occasions and circumstances in which staff or volunteers have to make decisions or act in the best interests of a child that could contravene this guidance or where no guidance exists.

Individual members of staff and volunteers are expected to make judgements about their behaviour to secure the best interests and welfare of the children and, in so doing, will be seen to be acting reasonably. Such judgements, in those circumstances, should always be recorded and shared with the Designated Safeguarding Lead. Staff and volunteers should always consider whether their actions are warranted, proportionate, safe and applied equitably.

*W This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted.*

#### 5. Power and positions of trust and authority

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children in a school are in positions of trust in relation to those children.

The relationship between an adult working with a child/children is one in which the adult has a position of power or influence. All such adults need to understand this power; that the relationship cannot be one between equals and the responsibility they must exercise as a consequence. The potential for exploitation and harm of vulnerable children and young people means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff and volunteers should always maintain appropriate professional boundaries and avoid behaviour which could be misinterpreted by others. They should report and record any such incident. This is as relevant in the online world as it is in the classroom. Staff engaging with children and/or parents online have a responsibility to model safe practice at all times. (Please also see Sections 12 & 13).

Where a person aged 18 or over is in a specified position of trust with a child under 18, it is an offence<sup>6</sup> 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. Similarly, the Foundation prohibits any sexual or emotional relationships with any pupil (regardless of those age post 18). Staff must comply with the Foundation Personal Relationships Policy (see also the Staff Handbook within the Foundation Hub).

The Foundation considers that all staff and volunteers have a position of trust with all children within the Foundation, regardless of which school the child is based, or the role they undertake.

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<sup>6</sup> Sexual Offences Act 2003

*This means that staff and volunteers should not:*

- W Use their position to gain access to information for their own or others' advantage and/or a child or family's detriment;*
- W Use their position to intimidate, bully, humiliate, threaten, coerce or undermine children/students;*
- W Use their status and standing to form or promote relationships with children or young people which are of a sexual nature or which may become so.*

## **6. Confidentiality**

The storing and and processing of personal information is governed by the General Data Protection Regulations 2017 (GDPR)<sup>7</sup> and Data Protection Act 2018<sup>8</sup>. Employers should provide clear advice to staff and volunteers about their responsibilities under this legislation so that, when considering sharing confidential information, those principles are applied.

*This means that managers / proprietors / governing bodies should be aware that:*

- W DPA 2018 allows 'special category personal data' to be shared with consent where possible. But can be shared without consent, if there is a significant safeguarding or child protection concern.*

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

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

There are some circumstances in which an employee or volunteer may be expected to share information about a child, for example when abuse is alleged or suspected. In such cases, individuals must pass information on without delay but only to those with designated safeguarding responsibilities or to statutory services.

If a child or their parent/carer discloses abuse or neglect, the member of staff or volunteer should follow the Foundation's Safeguarding and Child Protection Policy. Whilst staff and volunteers need to be aware of the need to listen to and support children and young people, they must also understand the importance of not promising a child or parent/carer that they will keep secrets that relate in any way to the safety or well-being of any individual but should give reassurance that the information will be treated sensitively.

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

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<sup>7</sup> General Data Protection Regulations 2017

<sup>8</sup> Data Protection Act 2018

*This means that staff and volunteers:*

- W *Should seek advice from a Designated Safeguarding Lead if they are in any doubt about sharing information they hold, or which has been requested of them.*

## **7. Standards of Behaviour**

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

This includes the way in which staff and volunteers speak to children. A positive, respectful and encouraging tone should be used at all times. Where it is necessary to challenge inappropriate behaviour or to get children's attention, it is reasonable for staff and volunteers to raise their voices and/or use an authoritative tone. However, it is not appropriate for staff/volunteers to shout at children habitually or speak to them disrespectfully or use sarcasm, discriminatory or derogatory words when disciplining children.

*This means that staff and volunteers should not:*

- W *Make, or encourage others to make, sexualised remarks to or about a child. This includes any unnecessary sexual content or innuendo;*
- W *Use inappropriate language to or in the presence of children.*

Staff and volunteers should never set out to cause a child to feel frightened, ashamed or humiliated. Admonishments should focus on behaviour rather than the child/student's personality or character and targets for desired behaviour should be described by the member of staff or volunteer. Staff and volunteers must never use any form of aggressive or threatening words. They should not swear, blaspheme or use any sort of offensive language in front of children.

Staff and volunteers should refer to children by their preferred name. Disrespectful nicknames, words and terms should be avoided. Staff and volunteers should exercise caution in referring to children/students by affectionate nicknames and more general terms of endearment or familiarity such as 'Dear, Love, Petal, Mate, Dude'. This also includes displays of affection either face-to-face or in writing e.g., messages in a birthday card, etc.

Staff and volunteers should be aware that use of such terms might cause some children to feel confused and/or uncomfortable, could be construed as being part of a grooming<sup>9</sup> and as such will give rise to concerns about their behaviour.

- W *This means that staff and volunteers should not withhold information about any issues in respect of their relationships, associations or any other matters both within and outside of the school (including online) which may have implications for the safeguarding of children in school*

If members of staff or volunteers choose to speak to children/students using such informal

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<sup>9</sup> grooming – the act of gaining the trust of a child so that some form of abuse or exploitation can take place

language, they should ensure it is not reserved for particular individuals in order to avoid any allegations of favouritism or concern about grooming behaviour. Staff and volunteers should be particularly careful not to refer to children using words that are specifically associated with grooming such as, 'Sweetheart, love, Princess, Angel, Darling'.

Staff and volunteers should be aware that some parts of the curriculum may raise sexually explicit subject matters and take care in subjects where rules/boundaries are relaxed (e.g., drama or art), that they have clear lesson plans to ensure that they do not overstep personal and professional boundaries and they make sure they do not present themselves in a manner which can be perceived as inappropriate or a cause for concern.

Staff and volunteers should understand and comply with their expectations in relation to their use of and behaviour when using telephones (both landline and mobiles) when working with children on site and during offsite visits and residential. At **Warwick Preparatory School** and **Kingsley Preparatory School**, where there are children under the age of eight (within the Early Years Foundation Stage), staff and volunteers' personal mobile phones must be left with their personal belongings. This means staff and volunteers are not permitted to carry personal phones within these schools. There is a clear expectation that all personal use of mobile phones is limited to times when staff are away from children and not supervising or responsible for children.

All mobile phone use is open to scrutiny and any member of the leadership team may withdraw or restrict authorisation for use at any time if it is to be deemed necessary. The rules about phone use also apply during offsite visits and residential.

Mobile phones must not be used by staff/volunteers in changing rooms or toilets. Mobile phones should not be used in dining halls or canteens when children are present.

**W** *This means that all Foundation Staff and volunteers do not use personally owned mobile telephones when children are present.*

There may be times when an employee or volunteer's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities, including with regard to their own children, or children or adults in the community. This could be because their behaviour is considered to compromise their position in the Foundation or indicates an unsuitability to work with children or young people. Misuse of drugs, alcohol, acts of violence, other criminal acts and inappropriate online behaviours such as threatening/extremist/misogynist/homophobic/ disrespectful/discriminatory comments or posts and anything indicating unsafe attitudes to children or adults; or which undermines the Foundation's safeguarding culture would be examples of such behaviour.

*This means that all staff and volunteers should:*

**W** *Inform their line manager and HR of any cautions, convictions or relevant orders accrued and/or if they are charged with a criminal offence; and/or any matter which might have implications for the safeguarding of children within the Foundation during their employment.*

## **8. Handling Political Views (All Staff)**

### **Political Neutrality and Professional Conduct**

All staff and volunteers must maintain political neutrality in their professional role and avoid any conduct that could reasonably be perceived as promoting partisan political views or influencing others. This applies to all interactions with pupils, parents, colleagues, and external stakeholders, as well as to communications in person, online, or via social media.

#### **This means that all staff and volunteers should:**

- Avoid expressing personal political opinions in any professional context, including conversations with pupils, parents, or colleagues where this could influence or create division.
- Ensure that any discussion of political issues in a professional setting is factual, balanced, and appropriate to the context.
- Refrain from using Foundation resources, premises, or events to promote political causes or campaigns.
- Exercise caution when posting on social media or engaging in public forums to ensure that personal political views do not bring the Foundation into disrepute or undermine its duty of impartiality.
- Seek guidance from a senior leader if unsure whether an action or communication could be perceived as partisan or inappropriate.

#### **This means that staff and volunteers should not:**

- Display political slogans, symbols, or materials in the workplace or on Foundation property.
- Use their position to influence pupils, parents, or colleagues towards a particular political viewpoint.
- Engage in political campaigning during working time or in any way that associates the Foundation with a political cause.

Adhering to the principles of political impartiality **applies to all staff in all contexts**, including social media and public representation.

## **9. 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 and volunteers should select a manner of dress and appearance appropriate to their professional role and those may need to be different to how they dress when not at work. That also applies to online or virtual teaching, when working with smaller groups than usual on site and when working from home. Staff should be mindful of how they dress when representing the school on a residential trip or visit.

Staff and volunteers should ensure they are dressed decently, safely and appropriately for the tasks and work they undertake. Those who dress or appear in a manner which could be viewed

as offensive, inappropriate or provocative will render themselves vulnerable to criticism or allegation.

The Foundation does not have a formal dress code, but generally expects staff and volunteers to wear business dress. There are some roles where staff are expected to wear the uniform provided.

*This means that staff and volunteers should wear clothing which:*

- W Promotes a positive and professional image;*
- W Is appropriate to their role;*
- W Is not likely to be viewed as offensive, revealing, or sexually provocative;*
- W Does not distract, cause embarrassment or give rise to misunderstanding is absent of any political or otherwise contentious slogans;*
- W Is not considered to be discriminatory.*

## **10. Gifts, rewards, favouritism, and exclusion**

The giving of gifts or rewards to pupils/students should be in accordance with agreed practice, consistent with the school's behaviour policy, recorded and not based on favouritism. In some situations, the giving of gifts as rewards may be accepted practice for a group of children, whilst in other situations the giving of a gift to an individual child or young person will be part of an agreed plan, which is recorded and discussed with a senior manager and parents/carers.

There may be specific occasions, such as when a pupil/student suffers a serious illness or accident, when staff or volunteers may wish to give a child or young person a gift. However, staff and volunteers need to be aware that the giving of gifts could be interpreted by others as a gesture either to bribe or groom. It might also be perceived that a 'favour' of some kind is expected in return.

It is therefore recommended that when gifts are given in specific circumstances, they should be given by the whole staff group or by groups of staff (e.g., a vocational department) or on behalf of the whole school, in line with the agreed policy, by agreement with the Deputy Head/Head; and the action should be recorded.

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

Staff and volunteers should take care to ensure that they do not accept any gift that might be construed as a bribe by others or lead the giver to expect preferential treatment.

There are occasions when children, young people or parents may wish to pass small tokens of appreciation to staff and volunteers, e.g., to mark a special achievement, occasion, or religious festival or as a thank you and this is usually acceptable. However, it is unacceptable for staff or volunteers to receive gifts on a regular basis or that are of any significant value.

*This means that staff and volunteers should:*

- W Ensure that gifts received or given in situations which may be misconstrued are declared and recorded;*
- W Generally, only give gifts to an individual child as part of an agreed reward system;*
- W Where giving gifts other than as above, ensure that these are of insignificant value and given to all children equally;*
- W Ensure that all selection processes which concern children and young people are fair and that wherever practicable these are undertaken and agreed by more than one member of staff;*
- W Ensure that they do not behave in a manner which is or could be construed as either favourable or unfavourable to individual children.*

See the Employee Handbook for further information on receiving gifts from children/parents/carers.

## **11. Infatuations and crushes**

All staff and volunteers need to recognise that it is not uncommon for a child or young person to be strongly attracted to an adult who works with them and/or develop a 'crush' or infatuation. They should make every effort to ensure that their behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.

Any member of staff or volunteer who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a child or young person has become or maybe become infatuated with either themselves or a colleague, should immediately report this to the Head. If the Head is concerned that the young person is becoming infatuated with them, they should report this to the Foundation Principal. In this way, appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

The Head should give careful thought to those circumstances where the staff member/volunteer, child or young person and their parents/carers should be spoken to and should ensure a plan to manage the situation is put in place. This plan should respond sensitively to the child and staff member/volunteer and maintain the dignity of all. This plan should involve all parties, be robust and be regularly monitored and reviewed. If required, additional support will be provided for the child via the Designated Safeguarding Lead and for the member of staff/volunteer from a member of the HR team.

*This means that staff and volunteers should:*

- W Record and report to the Head any incidents or indications (verbal, written or physical) that suggest a child may have developed an infatuation with a member of staff or volunteer;*
- W Always acknowledge and maintain professional boundaries.*

## **12. Social Contact outside of the workplace**

Members of staff and volunteers should not establish or seek to establish social contact with children or their families to secure a friendship or to pursue or strengthen a relationship.

*This means that staff and volunteers should:*

- W Inform senior management in writing of any relationship with a parent/carer which extends beyond the usual parent/professional relationship and is likely to lead to social contact with children or their parents/carers.*
- W Advise senior management of any social contact they have with a child or her/his family which could give rise to concern.*

However, it is acknowledged that many staff/volunteers may have genuine friendships and social contact with parents/ carers of children/, independent of the professional relationship, such as when a parent and teacher are part of the same family/personal network or social/recreational circle. This may apply across the Foundation. Those circumstances will usually be easily recognised, openly acknowledged and the relevant line manager advised. (Please see Personal Relationships Policy) for further guidance. Members of staff/ volunteers should always take care to maintain appropriate personal and professional boundaries in any such circumstances.

In line with the Employee Handbook, there is also a section on Personal Relationships that all staff should have an awareness of. Staff are required to inform the Foundation Principal, Foundation Bursar, Head and HR of any current or previous relationship(s) that may affect their work or compromise the activities and reputation of the Foundation in any way. All such information will be treated in the strictest of confidence and shared only between the Foundation Principal, Foundation Bursar, Director of People if required.

Staff and volunteers should not engage with parents to carry out additional service outside of work e.g., babysitting/tutoring. Please refer to Section 22 and the Foundation Personal Relationships Policy for further information about private tutoring children within the Foundation.

If a child/student or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff or volunteer should exercise her/his professional judgement in making a response but should always discuss the situation with their line manager or Head/Foundation Principal/Foundation Bursar and, if advised to do so by their manager or Head/Foundation Principal/Foundation Bursar, with the parent of the child or young person.

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

*This means that staff and volunteers should:*

- W Refrain from sending personal communication to children or parents unless agreed with senior managers;*
- W Report and record any situation, which may place a child at risk, or which may compromise the school/setting or their own professional standing*

Furthermore, staff and volunteers should also be aware that professionals who sexually harm children often seek to establish relationships and contact outside of the workplace with both the child and their parents, in order to groom the adult and the child and/or create opportunities for sexual abuse. It is also important to recognise that social contact may provide opportunities for other types of grooming such as for the purposes of sexual exploitation or radicalisation.

Staff should recognise that some types of social contact with children or their families could be perceived as harmful or exerting inappropriate influence on children and may bring the school/setting into disrepute (e.g., attending a political protest, circulating propaganda). Staff and volunteers should therefore be aware that social contact in certain situations could be misconstrued as grooming.

### **13. Communication with children, young people, and their parents/carers (including the use of technology) (See Section 13)**

In order to make best use of the many educational and social benefits of new and emerging technologies, children need opportunities to use and explore the digital world. Online safety risks are posed more by behaviours and values than the technology itself. Staff should ensure that they establish safe and responsible online behaviours, working to local and national guidelines and 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 clear and explicit professional boundaries. This includes the use of computers, tablets, phones, texts, emails, instant messages, social media such as Facebook and Twitter, chat rooms, forums, blogs, websites, gaming sites, digital cameras, videos, web cams and other handheld devices. Please note, given the ever-changing world of technology it should be noted that this list gives examples only and is not exhaustive.

*This means that the Foundation will:*

- W** *Continually review the respective school's online safety policy and practice in the light of new and emerging technologies.*

Staff/volunteers who communicate with children and their parents using email, telephone, text or social networking should only do so for professional purposes and by use of school accounts and school owned IT equipment, such as cameras and mobile devices. Emails should only be sent to the child/ school email address.

- W** *This means that the Foundation will provide school devices such as cameras and mobile phones for staff to use for agreed curriculum purposes and recording school activities as agreed with school leaders and not expect staff / volunteers to use their own equipment (e.g. on school trips and residential).*

Staff should not request or respond to any personal information from children or their parents 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 and volunteers should not seek contact with or respond to requests for contact from children or their parents via personal telephone, text, email, social media accounts or via

online gaming and should not therefore give their personal contact details, e.g., email address, home or mobile telephone numbers, details of web-based identities to children or their parents. If children or their parents locate these by any other means and attempt to contact or correspond with a staff member or volunteer, the latter should not respond and must report the matter to their line manager/DSL immediately.

The child/parent should be firmly and politely informed that this is not acceptable.

Staff should adhere to the Foundation's policies, including those regarding communication with parents and carers and the information they share when using the Internet. Email, text, social networking, or online gaming communications between a member of staff/volunteer and a child/  
/parent may lead to disciplinary and/or criminal investigations.

In **rare and exceptional circumstances** where staff urgently need to contact a child or parent by telephone and do not have access to a school-owned device, they will discuss this with a senior member of staff. If it is agreed there is no alternative to using a personally owned device, staff members will always use 'caller withheld' to ensure the child and/or parent is not able to identify the staff member's personal contact details.

School email and social networking accounts should only be used under the school's acceptable use policy.

*This means that staff and volunteers should:*

- W Ensure that privacy settings are set at maximum on any social networking sites they use privately; and that children/students and their parents/carers are never able to view the content or are listed as approved contacts;*
- W Never use or access social networking sites of children or their parents/carers;*
- W Recognise that text messaging should only be used as part of an agreed protocol and when other forms of communication are not possible; and recognise that text messaging is rarely an appropriate response to a child in a crisis or at risk of harm;*
- W Ensure that their use of technologies could not bring the Foundation into disrepute;*
- W Have in place an up-to-date acceptable use policy (AUP) and online safety guidance.*

#### **14. Use of technology for online teaching**

This section is in relation to the use of technology for online teaching. It is recognised that online teaching is rare. Although the teaching programme is exclusively on site, it is prudent to note our approach in this Code, should we need to reconsider in the future.

Should a period of online teaching be required in the future which means online teaching becomes necessary, then guidance will be given at the time to all staff.

#### **15. Use of social media, personal websites and blogs by staff and volunteers**

Staff and volunteers may use social media, personal websites, and blogs in a number of ways and for different purposes:

- For work related purposes using school equipment and accounts either on school premises or offsite. Access to some journals, blogs and social networking sites is permitted for these purposes;
- For personal (i.e., not work related) purposes using personally owned devices outside

work time.

All such usage is subject to the Foundation's Acceptable Use Policy (AUP) and/or policy on use of social networking and internet sites, which may restrict or prohibit some of the above, and this Code.

The Foundation must ensure that confidentiality and its reputation are protected. Therefore, in all uses (both school and personally owned) of social media, websites, blogs etc., all staff and volunteers must:

- Always act in the best interests of the Foundation;
- Not make any defamatory remarks about the school; children; staff or volunteers; parents/carers; associated professionals or contractors; or conduct themselves in any way that is detrimental to the reputation of the Foundation;
- Not disclose personal data or information about the Foundation; children; staff or volunteers; parents/ carers; associated professionals or contractors that could breach the Data Protection Act 2018, for example, posting photographs or images of children or colleagues.

The Foundation respects staff' and volunteers' rights to a private life. However, staff who wish to set up personal web forums, websites or 'blogs' must do so outside of work and not use Foundation equipment for the purpose.

In addition to the above expectations, staff and volunteers using personal social media accounts, websites, web forums or 'blogs' must:

- Refrain from identifying themselves as working for the Foundation in a way which has, or may have, the effect of bringing the school into disrepute;
- Not identify other Foundation staff, volunteers or children;
- Not allow children or their parents/carers to access their personal social networking accounts;
- when they are contacted by a child or parent/carer via any such personal account, bring that to the attention of the Head/Foundation Principal/Foundation Bursar at the earliest opportunity.
- not act in a way that would bring the school, or the teaching profession, into disrepute. This covers conduct including but not limited to relevant criminal offences, discriminatory postings, messages that could incite violence or sexual misconduct, as well as negative comments about the school on social media.

Any breach of these expectations may lead to disciplinary action.

## **16. Physical contact**

There are occasions when it is entirely appropriate and proper for staff and volunteers to have physical contact with children/students with whom they are working. However, it is crucial that they have physical contact with children in ways which are necessary and appropriate to their professional or agreed role and responsibilities and in relation to the child's individual needs and any agreed care plan.

Where an agreed care plan is in place, there should also be a risk assessment. Detailed on this, the

child's views must be considered, and consent gained.

Physical contact which occurs regularly with an individual child/student is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed and written plan or within the parameters of established, agreed and legal professional protocols on physical contact, e.g., sport activities or medical procedures. Any such arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

*This means that staff and volunteers should:*

- W Be aware that even well-intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described;*
- W Never touch a child in a way which may be considered indecent;*
- W Always be prepared to report and explain actions and accept that all physical contact will be open to scrutiny.*

There may be some occasions when staff or volunteers consider that a distressed child needing comfort and reassurance requires physical contact, which must be age appropriate. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from a parent etc. Staff and volunteers should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

However, it is important to emphasise that not all children and young people feel comfortable about physical contact. This should be recognised and, wherever possible, adults should seek the child's permission before initiating contact and be sensitive to any signs that they may be uncomfortable or embarrassed. Staff and volunteers should acknowledge that some children are more comfortable with touch than others and/or may be more comfortable with touch from some adults than others. Staff and volunteers should listen, observe, and take note of the child's reaction or feelings and as far as is possible, use a level of contact and/or form of communication which is acceptable to the child.

Where a member of staff or volunteer has a particular concern about the need to provide comfort or reassurance that includes physical contact, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager, who will make a judgement about when and how to inform parents/carers. Staff and volunteers must take particular care when working with a child/student on a one-to-one basis.

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

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

Physical contact should never be secretive; or for the gratification of the member of staff or volunteer or represent a misuse of authority. If a member of staff or volunteer believes that an action by them or a colleague could be misinterpreted, or if an action is observed which is possibly abusive, the incident and circumstances should be reported immediately to the line

manager and an appropriate record made. If an allegation of harm is made, then, where appropriate, the Head/Director of Safeguarding should consult with the Local Authority's Designated Officer (LADO).

Extra caution may be required when it is known that a child has suffered previous abuse or neglect. Staff and volunteers need to be aware that the child may associate physical contact with such experiences. They should also recognise that these children may seek out inappropriate physical contact. In all circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to deter the child sensitively and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with the line manager and the parent/carer.

Where a child seeks or initiates inappropriate physical contact with a member of staff or volunteer, the situation should be handled sensitively and reported on 'Myconcern'.

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

Physical contact which occurs regularly with an individual child/student is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed and written plan or within the parameters of established, agreed and legal professional protocols on physical contact, e.g., sports activities or medical procedures. Any such arrangements should be understood and agreed upon by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

## **17. Other activities that may require physical contact**

Members of staff and volunteers who work in certain curriculum areas, such as PE, drama, music or outdoor activities, may need to initiate some physical contact with children/students, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child/student so they can perform an activity safely or prevent injury. Such activities should be carried out by existing regulations and best practice. Guidance and protocols around safe and appropriate physical contact should be discussed with the line manager and included in the child's risk assessment or care plan.

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 child. Contact should be relevant to their age and level of understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the child/student.

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 children/students informed of the extent and nature of any physical contact may also prevent

allegations of misconduct or abuse arising.

*This means that staff and volunteers should:*

- W Always explain to a child the reason why contact is necessary and what form that contact will take*
- W Seek consent of parents where a child is unable to give informed consent because of communication difficulties or a disability;*
- W Conduct activities where they can be seen by others;*
- W Be aware of gender, cultural or religious issues that may need to be considered prior to initiating physical contact;*
- W Treat children with dignity and respect and avoid contact with intimate parts of their bodies.*

## **18. Intimate/personal care**

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

Any vulnerability, including those that may arise from a physical or learning difficulty, should be considered when formulating the individual child's care plan. The views of parents, carers, and the child, 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 partial school closures, 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 classed as being in regulated activity and must have been checked against the relevant DBS barred list, even if the activity only happens once. This process in relation to intimate/personal care includes volunteers. Volunteers and visiting staff from other schools should not undertake care procedures without appropriate training.

*This means that the Schools should:*

- W Have written care plans in place for any child who could be expected to require intimate care;*
- W update care plans in writing where appropriate; e.g. because there are changes to staffing, staff rotas, etc.*
- W Ensure that children are actively consulted about their own care plan;*
- W Ensure that intimate/personal care is provided by staff known to the child.*

*This means that staff and volunteers should:*

- W Adhere to the school's intimate care and nappy changing policies;*
- W Make other staff aware of the task being undertaken;*
- W Always explain to the child/student what is happening before a care procedure begins;*
- W Record the justification for any variations to the agreed procedure/care plan and share this information with the child/student and parents/carers.*

Children 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. However, there needs to be an appropriate level of supervision in order to safeguard children, 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 or young people concerned and sensitive to the potential for embarrassment.

Supervising children who are in the course of dressing or undressing as part of curriculum activities such as sport, swimming, dance or drama; or while engaged in a residential visit, staff should ensure children are safeguarded.

Staff should therefore announce their intention of entering a changing room or dormitory, and avoid lingering in the room, while they are in a state of undress.

*This means that staff and volunteers should not:*

- W Change or use the toilet in the presence or sight of children;*
- W Shower with children;*
- W 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;*
- W Assist with intimate or personal care tasks which the child is able to undertake independently.*

## **19. Behaviour Management**

All children have a right to be treated with respect and dignity. Physical (corporal) punishment and smacking are unlawful in all schools and early years' settings.

Staff and volunteers should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments; and any approach to behaviour management that seeks to persuade children to conform as a result of feeling shame and/or humiliation is unacceptable.

Where children display difficult or challenging behaviour, staff and volunteers must follow the school/ setting's relationships or behaviour policy, using strategies appropriate to the circumstance and situation. The use of restraint should only be justified in exceptional circumstances and must be used as a last resort, when other strategies to support the child to regulate their emotions and behaviour have failed. The use of restraint should be recorded on Myconcern.

Where a child has specific needs in respect of particularly challenging behaviour, a positive handling plan, including an assessment of risk, should be drawn up and agreed by all parties.

The senior leadership teams should ensure that the school's child 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 child's human rights and/or false imprisonment.

This is a complex area and staff, volunteers and the school must have regard to government guidance and legislation and local guidance produced by Warwickshire County Council<sup>10</sup> as well

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<sup>10</sup> [https://www.safeguardingwarwickshire.co.uk/images/downloads/ESS-PB/PoliciesandProcedures/Guidance\\_on\\_the\\_Use\\_of\\_Force\\_and\\_Physical\\_Intervention\\_update\\_March\\_2018.pdf](https://www.safeguardingwarwickshire.co.uk/images/downloads/ESS-PB/PoliciesandProcedures/Guidance_on_the_Use_of_Force_and_Physical_Intervention_update_March_2018.pdf)  
- 'Guidance on the use of force and physical intervention'

as the school's relationship or behaviour and safeguarding policies.

*This means that staff and volunteers should:*

- W Not use force as a form of punishment;*
- W Try to defuse situations before they escalate, e.g. by distraction;*
- W Keep parents informed of any sanctions or behaviour management techniques used;*
- W Be mindful of and sensitive to factors both inside and outside of the school or setting which may impact on a child's behaviour, e.g. bullying, abuse, and where necessary take appropriate action;*
- W Follow the school's child behaviour policy;*
- W Avoid shouting at children other than as a warning in an emergency/safety situation.*

## **20. The use of control and physical intervention**

There are circumstances in which adults working with children displaying extreme behaviours can legitimately intervene, if they are averting an immediate danger of personal injury to, or an immediate danger of death.

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

- Committing a criminal offence;
- Injuring themselves or others;
- Causing damage to property;
- Engaging in behaviour prejudicial to good order and to maintain good order and discipline.

The schools in the Foundation have separate child behaviour policies, and detail how to use physical intervention with children.

*This means that the Foundation should:*

- W Ensure it has child behaviour policy;*
- W Ensure that staff are provided with appropriate training and support.*

*This means that staff and volunteers should:*

- W Adhere to the school's child behaviour policy.*

## **21. Sexual conduct**

Any sexual behaviour or activity by a member of staff or volunteer with or towards a child is unacceptable. It is an offence for a member of staff in a position of trust to engage in sexual activity with a child under 18 years of age<sup>11</sup>. Where staff are in a position of trust, this also applies to any child still receiving education of any age in any setting (e.g., sixth form students).

Any sexual activity between a member of staff or volunteer with a child/student, irrespective of the latter's age will always be regarded as a grave breach of trust, and disciplinary action will be taken.

Children are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions depending on their age and understanding. This includes the prohibition of sexual activity with children by adults in a position of trust.

<sup>11</sup> Sexual Offences Act 2003: abuse of 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. A member of staff/volunteer who allows or encourages a relationship to develop in a way which might lead to a sexual relationship with a child is unacceptable. In addition, if a member of staff/volunteer is aware of a relationship between an adult and child (including sixth-form students) developing or existing, this must be reported immediately to the Head/Director of Safeguarding.

All members of staff and volunteers should therefore clearly understand the need to maintain appropriate boundaries in their contact with children and young people.

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

Staff and volunteers should also therefore be aware that conferring inappropriate special attention and favour upon a child might be construed as being part of a grooming process and as such will give rise to concerns about their behaviour.

*This means that members of staff and volunteers should:*

- W Not have any form of sexual contact with a child;*
- W Avoid any form of touch or comment which is, or may be considered to be, indecent;*
- W Not have any form of communication with a child or young person which could be interpreted as sexually suggestive, provocative or give rise to speculation, e.g. verbal comments, letters, notes, (in writing or via text, email or social media), phone calls, physical contact;*
- W Not make sexual remarks to, or about, a child/young person;*
- W Not discuss sexual matters with or in the presence of children or young people other than within agreed curriculum content or as part of their recognised job role (for example PHSEE).*

## **22. One-to-one situations**

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

To safeguard both children and adults, a risk assessment in relation to the specific nature and implications of the one-to-one work should always be undertaken. Each assessment should take into account the individual needs of each child; safety arrangements for the child and adult; such as, the area where they are working, and all should be agreed and reviewed regularly. Staff and volunteers should maintain an awareness of any areas of the school or setting which may place themselves or children in vulnerable situations.

One-to-one situations have the potential to make a child more vulnerable to harm by those who seek to exploit their position of trust.

Arranging to meet with children from the school away from the school/setting premises should not be permitted unless the necessity for this is clear and approval is obtained from the Head

or other senior colleague with delegated authority, the child and their parents/carers.

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

*This means that staff and volunteers should:*

- W Work one-to-one with a child only when absolutely necessary and with the knowledge and consent of senior leaders and parents/carers;*
- W Be aware of relevant risk assessments, policies and procedures;*
- W Ensure that wherever possible there is visual access and/or an open door in one-to-one situations*
- W Avoid meetings with a child or young person in remote, secluded areas;*
- W Always inform other colleagues and/or parents/carers about any one-to-one contact(s) beforehand, assessing the need to have them present or close by;*
- W Avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy;*
- W Always report any situation where a child becomes distressed, anxious or angry to a senior colleague;*
- W Ensure prior to any online learning, there are clear expectations of behaviour and conduct of all parties that have been agreed in advance.*

## **23. Home visits**

### **a. Children**

All work with pupils and parents should usually be undertaken in the Foundation. There are however occasions, in response to an urgent or specific situation, where it is necessary to make one-off home visits; e.g., undertake a welfare visit\*.

Appropriate policies and related risk assessments must be in place to safeguard both staff and pupils, who can be more vulnerable in these situations.

A risk assessment should be undertaken before 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.

\**Welfare visits* – where a child is not attending school and has not been seen, it may be decided that a home welfare visit is required. Wherever possible, the parent / carer should encourage the pupil to come to the door or to a living area of the home; however, if the child refuses, it may be necessary for the staff member to accompany parents / carers to other parts of the home, including the child's bedroom, to ensure the child is safe and well. Staff should ensure the child is appropriately dressed

before accompanying a parent / carer into a child's personal space. Where there is significant concern and the child has not been seen, local Police can be asked to undertake a welfare check.

Where staff are undertaking private tutoring, they should adhere to the Foundation Private Tutoring Policy and Personal Relationships Policy which can be found on the Foundation Hub.

### ***b. Tutoring of School Children***

#### Independent Tutoring

Members of staff and volunteers, who undertake private tutoring outside school on a self-employed basis, should ensure that they do not tutor children who attend any of the Schools within the Foundation, outside the school premises as this would blur professional boundaries. All staff and volunteers should refer to the Private Tutoring Policy and Personal Relationships Policy for further information.

Members of staff must also inform the Head or Line Manager if working within Professional Services, if they undertake any additional employment outside the school premises including tutoring of children who attend different schools and always ensure they have the consent of parents/carers.

*This means that staff and volunteers should:*

- W Agree the purpose for any home visit with your line manager have a clear understanding of the*
- W 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;*
- W Avoid unannounced home visits wherever possible;*
- W Always make detailed records including times of arrival and departure; and work undertaken;*
- W Ensure any behaviour or situation which gives rise to concern is discussed with their manager and,*
- W where appropriate, action is taken;*
- Never make a home visit outside agreed working arrangements;*
- W Be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in*
- W vulnerable situations;*
- Make clear to staff and volunteers that, other than in an emergency, they should not enter a home*
- W if a parent/carers is absent;*
- Ensure that staff and volunteers have access to a mobile device and an emergency contact person*
- W at the Foundation.*

### ***c. Members of staff/volunteers***

There are some occasions, in response to an urgent or specific situation, where it is necessary to make one-off home visit, where there are concerns about the welfare of a member of staff. When conducting a home visit to a member of staff, this should never take place alone.

Advice in such circumstances should be sought from HR and Director of Safeguarding.

## 24. Transporting children

In certain situations, staff or volunteers may be required to offer to transport children as part of their work. As with any other activity undertaken at work, the Foundation must carry out a risk assessment covering the health and safety of their staff and to manage any known risks<sup>12</sup>.

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/children. If any of them may require close supervision, then another adult should travel in the vehicle so that the driver is not distracted or compromised<sup>13</sup>.

Staff and volunteers should not offer lifts to children unless the need for this has been agreed upon 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, with at least one adult additional to the driver acting as an escort. In exceptional circumstances, where there is a need for a member of staff to transport children in their vehicle, those arrangements must be checked and agreed with the DSL in advance (or the Head/Director of Safeguarding if the DSL is not available). The only exception is in cases of extreme emergency, such as where a child's health and well-being are likely to be significantly jeopardised unless they are transported immediately. It is strongly advised to have another adult present so you are not alone at any time with a child.

It is a legal requirement that all passengers wear seatbelts and it is the responsibility of the staff member who is driving the vehicle to ensure that this requirement is met. Staff and volunteers should also be aware of and adhere to current legislation regarding the use of appropriately fitted car seats for younger children.

Staff and volunteers should ensure that their behaviour is safe and that the transport arrangements and any vehicle used to transport children 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 and volunteers should never offer to transport children outside of their normal working duties, other than in an emergency or where not doing so would mean the child might be at risk. In those circumstances the matter should be recorded and reported to the DSL, the member of staff/volunteer's line manager and the child's parent(s) at the earliest possible opportunity. The Foundation's Health and Safety Policy and/or educational visits policy should set out the arrangements under which staff may use private vehicles to transport children.

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<sup>12</sup> See also <https://www.gov.uk/government/publications/health-and-safety-advice-for-schools>

<sup>13</sup> OEAP updated guidance (July 2018) <https://oeapng.info/3618-transporting-young-people-in-private-cars/>

*This means that staff and volunteers should:*

- W Plan and agree transport arrangements with all parties in advance;*
- W Ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair their judgement and/or ability to drive;*
- W Ensure that if they need to be alone with a child, e.g. in an emergency, this is for the minimum possible time;*
- W Be aware that the safety and welfare of the child who they are transporting is their responsibility until they are safely passed over to a parent/carer;*
- W Ensure that arrangements to provide any lifts on an impromptu or emergency basis are recorded and can be justified.*

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

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><sup>14</sup>.

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

Staff and volunteers should take particular care when supervising children 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 and volunteers remain in a position of trust and need to ensure that their behaviour remains professional at all times, stays within clearly defined professional boundaries and could not be interpreted as seeking to establish an inappropriate relationship or friendship.

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

Before all overnight stays, there should be a robust risk assessment, which must include sleeping arrangements for children and staff/volunteers; supervision arrangements when

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<sup>14</sup> Guidance is also available from the Outdoor Education Advisers' Panel <http://oeapng.info/>

children are getting dressed and undressed and are asleep; the management of any unanticipated situations in which a member of staff or volunteer finds themselves working one-to-one with a child; and reporting arrangements including any safeguarding and whistleblowing issues.

## **26. First Aid and administration of medication**

The Foundation should have an adequate number of qualified first aiders, this could include qualified school nurses. Parents must be informed when first aid has been administered.

Any member of school staff may be asked to become a qualified first aider, including pediatric first aid or to provide support to children with medical conditions, including the administering of medicines.

Depending on the ages of the children accessing the provision, there may need to be at least one person trained in pediatric first aid at all times when children are on site. Staff should receive sufficient and suitable training and achieve the necessary level of competence before they take on responsibility to support children with medical conditions.

Advice on managing medicines is included in the statutory guidance on supporting children at school with medical conditions. In circumstances where a child 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 their medical condition effectively in school and should include information about the medicine to be administered, the correct dosage and any storage requirements.

When administering first aid, wherever possible, staff and volunteers should ensure that another adult is present, or aware of the action being taken. After discussion with parents, children who are competent should be encouraged to take responsibility for managing their own medicines and procedures. This could include, for example, the application of any ointment or sun cream, use of inhalers or auto-adrenaline (epi pen) injectors.

If a member of staff or volunteer is concerned or uncertain about the amount or type of medication being given to a child/student, provided by a parent/carer or prescribed, this should be discussed with the school nurse where possible, or line manager.

*This means that the school will:*

- W Ensure there are trained and named individuals to undertake first aid responsibilities, including paediatric first aid if relevant;*
- W Always ensure that arrangements are in place to obtain parental consent for the administration of first aid or medication.*

*This means that relevant staff should:*

- W Adhere to the school policies for supporting children with medical conditions and administering first aid or medication;*
- W Have regard to children' individual healthcare plans;*
- W Always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities;*
- W Explain to the child/student what is happening;*
- W Report and record any administration of first aid or medication.*

**Staff or volunteers** taking medication which may affect their ability to care for children should seek medical advice. The staff member or volunteers should ensure they only work directly with children if that advice confirms that the medication is unlikely to impair their ability to look after children. If staff medication is bought onto the Foundation premises, it must be stored securely and out of the reach of children at all times. The individual staff member/volunteer is responsible for their own medication.

## **27. 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. Consent by parents should be given for the recording of images to take place.

Under no circumstances should staff or volunteers be expected or allowed to use their personal equipment to take or store images of children at/or on behalf of the Foundation, including during educational visits, residential trips and other off-site activities such as sports events. That includes the use of any device that can be used for taking/recording images, e.g., cameras, mobile telephones, smartphones, smart watches, tablets, webcams etc.

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 indecent, 'grooming' or exploitative purposes. Children who have been abused previously in a manner that involved images may feel particularly threatened by the use of photography, filming, etc. Staff and volunteers should therefore remain sensitive to any child who appears uncomfortable and should recognise the potential for misinterpretation.

Making and using images of children will require the age-appropriate consent of the individual concerned and their parents/carers. Images will 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 school/setting have access.

For the protection of children, the following guidelines must be followed when using images to publicise the Foundation:

- 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;
- It must be established whether the image will be retained for further use, where and for how long;
- Images should be stored securely and used only by those authorised to do so.

*This means that staff and volunteers should:*

- W Adhere to the school's policy in relation to the creation and storage of images of children/; and the use of personally owned telephones when working with children (see *Employment Handbook* for more information);
- W Only take images of the child where consent has been sought;
- W Only retain images when there is a clear and agreed purpose for doing so;
- W Store images in an appropriate secure place in the school or setting using equipment owned by the school/setting;
- W Avoid making images in one-to-one situations;
- W Report any concerns about any inappropriate or intrusive photographs found to the Head/ Director of Safeguarding.

*This means that staff and volunteers should not:*

- W Take images of children for their personal use;
- W Display or distribute images of children/ unless they are sure that the school has parental consent (and, where appropriate, consent from the child) to do so;
- W Take images of children using any equipment not provided or authorised by the school/setting to take, record and store images of children;
- W Take images of children in a state of undress or semi-undress or which could be considered as indecent or sexual;
- W Take images of a child's injury, bruising or similar (e.g. following a disclosure of abuse) even if requested to do so by children's social care. Instead, complete a 'body map' and add to Myconcern.

## **28. Exposure to inappropriate images**

Staff should take extreme care to ensure that children are not exposed, through any medium, to inappropriate or indecent images. The Foundation adheres to *Keeping Children Safe in Education's filtering and monitoring section*.

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 Foundation's equipment or personally owned equipment, on or off the premises, or making, storing, or disseminating such material is illegal.

If indecent images of children are discovered on the Foundation's premises or the school's equipment, an immediate referral will be made to the LADO and the Police will be contacted. The images/equipment will 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 Foundation, a referral will also be made to children's social care<sup>15</sup>.

Under no circumstances should members of staff or volunteers use equipment belonging to

<sup>15</sup> Further advice re: how school staff should respond when finding indecent images of children can be found at <https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

the school/setting to access any inappropriate material, such as pornography. Personal equipment containing pornography or links to it should never be brought into or used in the Foundation. This will raise serious concerns about the suitability of the adult to continue working with children and young people.

Staff and volunteers should keep their passwords confidential and not allow unauthorised access to equipment.

*This means that staff and volunteers should:*

- W Follow the school's acceptable use policy;*
- W Ensure that children cannot be exposed to indecent or inappropriate images;*
- W Ensure that any films or material shown to children/students are age appropriate.*

## **29. Accommodation**

### *a. Personal living accommodation (home address)*

Staff should generally not invite any children into their personal living accommodation (home address) unless the reason to do so has been firmly established and agreed with the Head and the child's parents/carers. This Code should be used in conjunction with the Foundations' Personal relationships guidance.

### *b. On site accommodation provision (Boarding and residential caretaking provision)*

Under no circumstances should staff invite any children to their home.

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

Under no circumstances should children 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.

## **30. 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 on 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 and volunteers should:*

- W Be vigilant in maintaining their privacy, including when living in onsite accommodation;*
- W Be mindful of the need to avoid placing themselves in vulnerable situations;*
- W Refuse any request for their accommodation to be used as an additional resource for the school or setting;*
- W Be mindful of the need to maintain appropriate personal and professional boundaries;*
- W Not ask children to undertake jobs or errands for their personal benefit.*

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. The overriding consideration should be the safeguarding of both the child and staff. The Foundation does not therefore endorse the practice of staff supervising candidates overnight in their own homes. Where necessary, the Foundation will arrange a 'sleep-over' on the school premises, supervised by a minimum of two members of staff.

Where arrangements are made for staff members to supervise a child overnight then all necessary safeguards will be put in place.

*Where staff do supervise candidates overnight:*

- W A full health and safety risk assessment must be undertaken;*
- W All arrangements should be made in partnership and agreement with the child and parents/carers;*
- W As much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision;*
- W Whenever possible, independent oversight of arrangements should be made.*

## **31. Curriculum**

Many areas of the curriculum can include or raise subject matter which is sexually explicit or of a political or otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan.

This can be supported by developing ground rules with children to ensure sensitive topics can be discussed in a safe learning environment. This lesson 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 may be less rigorously applied, e.g., drama.

### **Political Impartiality**

In line with the Education Act 1996, the Foundation is required to ensure political impartiality within all areas of the curriculum and school life. The promotion of partisan political views is prohibited in the teaching of any subject. Where political issues are raised or form part of teaching, extra-curricular activities, or the promotion of such activities, pupils must be offered a balanced presentation of opposing views.

This duty applies when political issues are brought to pupils' attention:

- (i) while they are in attendance at the school;
- (ii) while they are taking part in extra-curricular activities provided, organised by, or on behalf of the school; or
- (iii) through the promotion at the school—including the distribution of promotional

material—of extra-curricular activities taking place at the school or elsewhere.

Political issues may arise where topics are the subject of public policy debate, reflect differing political perspectives, or relate to current public controversy. Staff must take particular care to ensure that materials, discussions, and explanations are presented fairly and enable pupils to form their own reasoned views.

**This means that staff and volunteers should:**

- Ensure that no partisan political views are promoted in teaching, discussions, resources, displays or communication.
- Present political issues in a balanced, factual and age-appropriate manner, offering pupils a range of perspectives.
- Avoid expressing or imposing personal political opinions on pupils.
- Ensure that visiting speakers, external organisations or materials comply with the Foundation's duty of political impartiality.
- Ensure that any extra-curricular activities or promotional materials involving political issues offer a balanced presentation of opposing views.
- Seek guidance from a Head of Department or senior leader where uncertainty exists about whether an issue, resource or activity may constitute a partisan political view.

**Existing Expectations**

**This means that staff and volunteers 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 children/students;
- Discuss aspects of their own personal and sexual relationships with children/students.

Responding to children's questions requires careful judgement and, in these circumstances, staff should be mindful of this Code (particularly section 7) and, where necessary, seek guidance from the subject lead/Head of Department. Care should be taken to comply with the Foundation's policy on spiritual, moral, social, cultural (SMSC) aspects of the curriculum which should promote fundamental British values and be rigorously reviewed to ensure it is lawful and consistently applied.

## **32. Whistleblowing**

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

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

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

Failure to report or respond to such concerns would constitute a failure in professional

responsibilities to safeguard children and promote welfare. Disciplinary action could be taken if failure to report occurs.

Whistle-blowing is the mechanism by which staff and volunteers can voice their concerns in good faith without fear of repercussion. The Foundation has a clear and accessible Whistleblowing Policy that meets the terms of the Public Interest Disclosure Act 1998. The Foundation will take action to protect any no staff member when they have raised a concern in good faith; no staff member will be treated any less favourably as a result of raising concerns under the Whistleblowing Policy.

The Foundation has a separate Whistleblowing Policy, which can be accessed for further information.

*This means that the Foundation will:*

**W** *Have a clear system in place for all reporting of adults' behaviour causing concern (yellow form)*

*This means that staff and volunteers should:*

**W** *Escalate their concerns if they believe a child is not being protected;*

**W** *Report any behaviour by colleagues that raises concern;*

**W** *Report allegations against staff and volunteers to the Head/Director of Safeguarding or where they have concerns;*

**W** *About the Head/ Director of Safeguarding report to the Foundation Principal, or where they have concerns about the Foundation Principal to the Chair of Governors.*

### **33. Sharing and recording concerns (including 'low level' concerns)**

All staff and volunteers should be aware of the Foundation Safeguarding and Child Protection policy, including procedures for dealing with allegations against staff, volunteers and agency staff, and for reporting low level concerns – the Yellow Form portal.

All staff and volunteers should feel able to raise concerns about any poor or unsafe practice and any potential failure in the Foundation's safeguarding regime and have confidence that any such concerns will be taken seriously by the Head/Director of Safeguarding

In the event of the following:

- an allegation against staff being made, concerning safeguarding
- a breach of this code of conduct
- low-level concerns (such as, derogatory language)
- poor safeguarding practice
- concerns relating to a colleague's health or wellbeing

*Information should be immediately recorded and reported using the online Yellow Form process (or paper-based yellow form).*

In the event of a member of staff or volunteers having concerns about a colleague, they should contact the Head/Director of Safeguarding without delay, in line with the Foundation Safeguarding and Child Protection policy.

In the event of any member of staff or volunteer having concerns about the Head/Director of Safeguarding breaching this code of conduct or abusing a child, they should contact the

Foundation Principal without delay, in line with the Foundation Safeguarding and Child Protection policy.

In the event of any member of staff or volunteer having concerns about the Foundation Principal should contact the Chair of Governors without delay, in line with the Foundation Safeguarding and Child Protection policy.

See Appendix 1 for the yellow form flowchart.

All reports of breaches of this code of conduct and all specific allegations of abuse must be taken seriously and properly investigated by the Foundation's procedures and statutory guidance. Staff who are the subject of allegations are advised to contact their professional association or Trade Union. Reword - the Employee Assistance Programme can also provide wellbeing support where required.

*This means that staff and volunteers should:*

**W** *Be familiar with the school's systems for recording concerns, about the behaviour of staff members/volunteers*

### **34. Criminal Actions**

#### *Duty of disclosure*

You are required immediately to notify the school if you are:

- Subject to any change in your circumstances that affects your right to work in the United Kingdom;
- Barred from working with children or vulnerable adults;
- The subject of a referral to the Disclosure and Barring Service or any successor body;
- The subject of a referral to the National College of Teaching and Leadership or any successor body;
- Arrested, charged or convicted of any criminal offence;
- Subject to an investigation for any allegation of a disciplinary nature at any other employer or organisation at which you are a volunteer;
- In receipt of a police caution, reprimand or warning, or if there is a formal child protection investigation of you or any member of your household.

### **35. Transferable Risk**

Transferable risk refers to the concept that an individual who works with children should be accountable for their actions and behaviour both within and outside the school environment. This principle recognises that a person's conduct beyond the school setting can impact their suitability to work with children. Here are some key points related to transferable risk that all Foundation employees should consider in relation to their actions:

#### 1. Responsibility for Actions and Behaviour:

Staff members and volunteers who work with children are responsible for their own actions and behaviour. They should avoid any conduct that would raise concerns about their motivations and intentions.

#### 2. Scope of Transferable Risk:

Transferable risk considers behaviour outside of work and relationships with others.

It assesses whether an individual's actions indicate their suitability to work with children. Examples of safeguarding concerns related to transferable risk include behaviours that may harm a child, criminal offenses related to a child, or indications that the person may not be suitable for working with children.

### 3. Application in Practice:

The Foundation will follow recognised procedures to manage allegations against staff or volunteers who work with children.

The Local Authority Designated Officer (LADO) may oversee certain cases and provides guidance to employers and organisations for cases that meet recognised thresholds.

Transferable risk is considered when assessing allegations, even if the behaviour occurred outside of the school or college setting.

Here are some **brief, practical examples** of what **transferable risk** might look like:

#### ◆ **Example 1: Inappropriate Online Behaviour**

A teacher posts offensive or discriminatory comments on social media outside of work hours.

➔ *Even though this happens outside school, it raises concerns about their judgment and values, which could affect their suitability to work with children.*

#### ◆ **Example 2: Criminal Charges Unrelated to School**

A staff member is arrested for a violent offence that occurred in a public setting.

➔ *This behaviour may indicate a risk to children, even if the incident didn't involve students or occur on school grounds.*

#### ◆ **Example 3: Association with Concerning Groups**

A volunteer is found to be actively involved in a group that promotes extremist views.

➔ *This could conflict with the Foundation's ethos and raise safeguarding concerns, requiring a declaration and possible intervention.*

#### ◆ **Example 4: Personal Relationships That Pose a Conflict**

A staff member is in a close relationship with a contractor who is bidding for work with the Foundation.

➔ *This must be declared to avoid any conflict of interest or perception of bias.*

#### ◆ **Example 5: Behaviour in Public Spaces**

A teaching assistant is regularly seen intoxicated and behaving aggressively in public.

➔ *This may not involve children directly, but it could affect their credibility and trustworthiness in a school setting.*

**In summary, transferable risk emphasises that Foundation employees working with children must maintain appropriate behaviour both within and beyond their professional roles to ensure the safety and well-being of children.**

## **36. Declaration of Intervention**

An employee is required to declare any situation whereby a group or organisation they are associated with would be considered to be in conflict with the ethos of the Foundation.

Membership of a trade union or staff representative group would not need to be declared.

Staff should also consider carefully whether they need to declare to the Foundation their

relationship with any individual(s) where this might cause a conflict with Foundation activities. For example, a relationship with a governor, another staff member or a contractor who provides services to the Foundation. More information can be found in the Foundation's Personal Relationships guidance.

Failure to make a relevant declaration of interests is a serious breach of trust and therefore if staff are in doubt about a declaration, they are advised to take advice from their Head/Foundation Director of Safeguarding or trade union.

### **37. Financial inducements**

#### *- Financial Regulations*

All staff and volunteers must comply with the Foundation's Financial Regulations. Staff should familiarise themselves with the regulations but some of the Foundation Principal employee requirements are summarised below.

#### *- Business Contacts*

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

#### *- Hospitality*

Where hospitality in the form of meals and drinks is offered by a business contact, this is only acceptable where it forms part of a normal business meeting (for example, refreshments at training events or meals at evening meetings). Offers of hospitality to specific events, such as a dinner or sporting event, should only be accepted after authorisation from the Head/Foundation Bursar. These would normally only be approved where there is a clear and demonstrable benefit to the Foundation and the hospitality would not expose the Foundation to criticism that the business contact was exerting undue influence. These should be recorded in the Register of Gifts and Hospitality.

Visits by staff to exhibitions, demonstrations, conferences, business meals and social functions in connection with the Foundation's business and authorised by the School/Foundation, shall be at the Foundation's expense.

#### *- Gifts or hospitality to the School/Foundation*

Where a business contact sends a gift to the School/Foundation (for example, a stationery supplier sending a gift), these should not be accepted and should be returned to the supplier. Such offers should be declared to the Governing Body and recorded in the Register of Gifts and Hospitality.

If it is not possible to return the gift, the employee who usually deals with the supplier should declare the gift to the Governing Body who will keep a record of it and decide how it is to be used. Such gifts remain the property of the Foundation and should be included in the Register of Gifts and Hospitality. The only exceptions to this are low cost, functional items suitable for business use (as opposed to personal use), such as diaries, calendars or pens, may be accepted and do not have to be declared on the Register of Business Interests.

- *Use of Foundation contacts*

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

### **38. Other employment**

All staff are contractually required to inform the Head/Foundation Bursar of any secondary employment, to ensure there is not a conflict of interest for the Foundation.

Following confirmation from the Head/Foundation Bursar that the secondary role is not deemed to be a conflict of interest, staff are permitted to take up secondary employment outside the school as long as the activity does not adversely affect their primary employment at the Foundation or exceed the legal maximum working week of 48 hours as defined by the Working Time Regulations.

The secondary employment must be undertaken outside the working hours of the employee's normal post and staff are required to keep the Foundation Principal/Head/Foundation Bursar informed of their employment by other organisations.

### **39. Health and Safety**

Staff must adhere to the Foundation's Health and Safety policy, procedure and guidance and must ensure that they take every action to keep themselves and everyone in the school environment safe and well.

This includes taking immediate safety action in a potentially harmful situation (either at school or off- site) by complying with statutory and school guidelines and collaborating with colleagues, agencies and the Local Authority.

### **40. Use of Alcohol and illegal Drugs**

The Foundation's approach to the consumption of alcohol, drugs, and other substances (including new psychoactive substances) that have intoxicating and/or behaviour-altering effects or impair judgement (referred to in this policy as "other substances") is based on the need to ensure a safe and productive working environment. Because of the serious nature of the risks posed by the abuse of alcohol, drugs and other substances in the workplace, any breach of the rules in this area will be treated as gross misconduct which will usually result in dismissal.

An employee will be regarded as 'under the influence' of alcohol, drugs, or other substances if their behaviour, speech, ability to concentrate or otherwise perform their duties is in any way affected. An employee will also be regarded as under the influence if they fail a drug, other substance, or alcohol test. See Transferable Risk, Section 34.

- *Dependency*

Staff who have a dependency on alcohol, drugs or other substances may be offered support and encouraged to seek appropriate counselling or medical help. Absence arising from treatment or counselling related to drug, alcohol or other substance abuse will be treated as sickness absence under the Foundation's Absence Management Policy. However, while the Foundation will always try to be supportive toward staff with a drug, alcohol, or other substance problem, this will not prevent disciplinary action being taken when staff act in breach of the rules laid out in this policy.

Wherever an employee informs the Foundation that they have a drug, alcohol, or other substance problem this will, as far as possible, be treated in the utmost confidence. However, the Foundation may need to disclose particular circumstances to managers, regulatory authorities or others should this be necessary to ensure safety or compliance with legal requirements.

#### - ***Drugs***

It is a criminal offence to unlawfully possess or deal in any controlled substances and anyone found through the Discipline and Dismissal Procedure to be involved in any of these activities, whether during or outside working hours, dismissal for gross misconduct will be considered. The Foundation will report any illegal activities to the police or other relevant authorities. See Transferable Risk, Section 34

The consumption, storage, distribution or sale of illegal drugs or any other behaviour-altering and/or intoxicating substance, on Foundation premises or during working time is strictly prohibited.

It is strictly forbidden to come to work or to remain at work under the influence of any controlled substance. If the School considers that you are under the influence of any substance (including prescribed drugs which have affected your work or behaviour and of which you have failed to notify your superior), disciplinary action may be taken.

#### - ***Medicines and Prescription Drugs***

If you are taking prescription drugs or any other medicine that may affect your performance at work or your ability to carry out any of your duties, then you must inform your line manager of this so that steps can be taken to ensure that the work can be done safely. It is your responsibility, when beginning any course of medication, to check whether it may adversely affect your ability to work.

#### - ***Alcohol***

Consumption of even a small amount of alcohol may be sufficient to adversely affect the work of an employee and could pose a risk to health and safety. Alcohol remains in the bloodstream for up to 24 hours following consumption and that the consumption of a significant amount of alcohol in the evening may leave staff/volunteers unfit to work in the morning.

The school does not permit alcohol to be stored on School premises unless properly secured and with the agreement of the Head.

It is strictly forbidden to present yourself for work under the influence of alcohol. If the Foundation considers that you are under the influence of alcohol you may be sent home

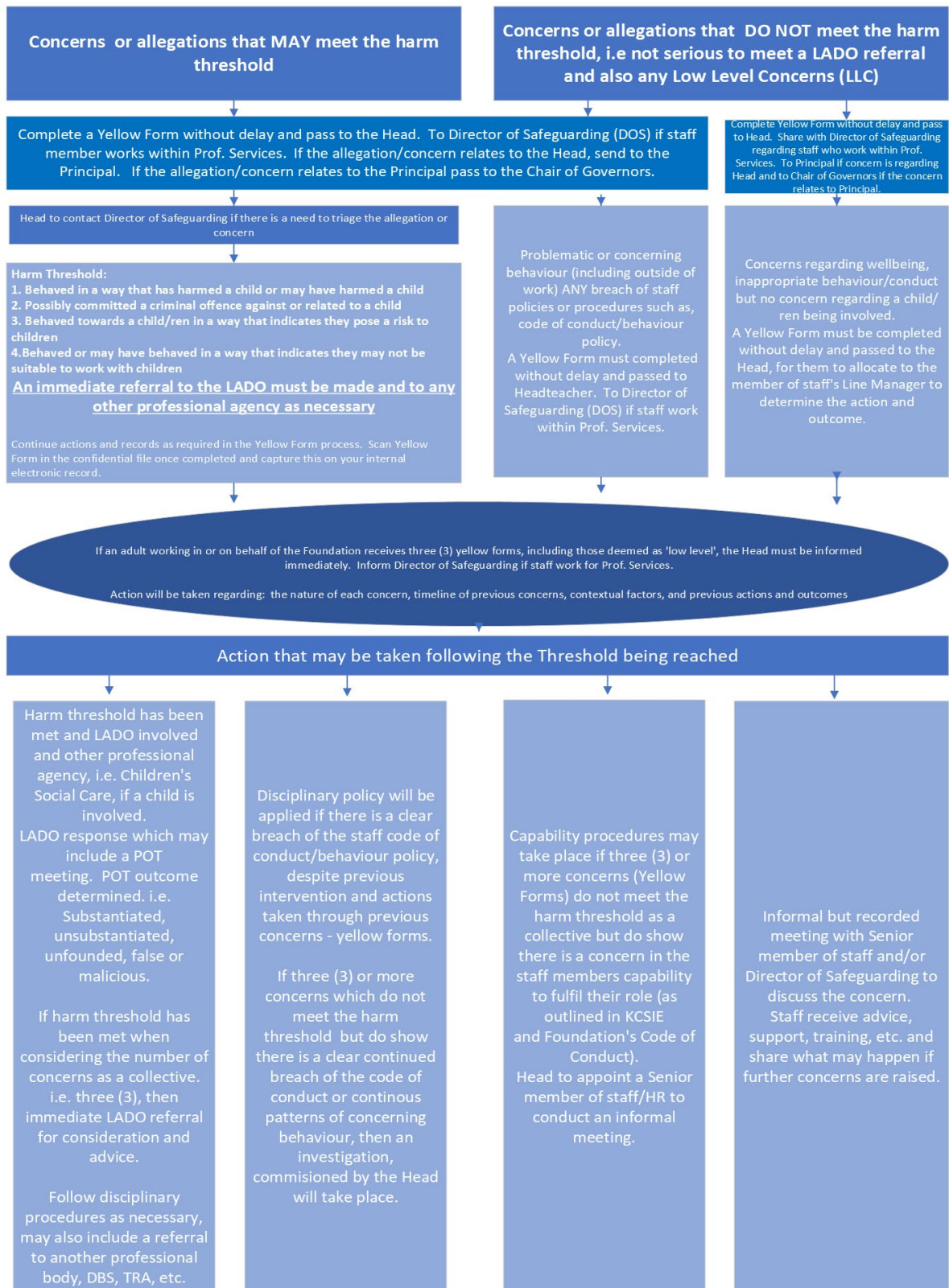
immediately and after thorough investigation, appropriate action will be taken in line with this Code and other relevant policies within the Employers Handbook.

**You must not consume any alcohol during working time, lunchtime or during any break.**

**If you are staying away on a Foundation trip (for example), you must refrain from drinking alcohol at all times on the basis that you have pupils in your care and could be called upon at any moment. You may also be required to drive.**

Where alcohol is available at Foundation organised events or occasions when you are representing the Foundation – even outside working hours – it is important to behave responsibly and not drink to excess. Behaviour that reflects badly on the Foundation will be a disciplinary matter and in serious cases may amount to gross misconduct.

## APPENDIX 1



## APPENDIX 2

### REGISTER OF BUSINESS INTERESTS FORM

#### Governors and staff declaration form

I wish to declare the following information in accordance with the Governing Body's requirements that a Register of Business Interests should be maintained.

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

## APPENDIX 3

### REGISTER OF GIFTS AND HOSPITALITY

#### Governors and staff declaration form

I wish to declare the following information in accordance with the Governing Body's requirements that a Register of Gifts and Hospitality should be maintained.

<b>Name:</b>
<b>Post:</b>
<b>Signature:</b>
<b>Date:</b>
<b>You should provide full details of your declaration below, including a nil return:</b>
<b>Declaration of gifts and hospitality:</b>
<b>Date gift received:</b>
<b>From whom Gift or hospitality received:</b>