



Elmfield Rudolf Steiner School

Staff Code of Conduct

January 2020

Policy Tracker – Responsibility for monitoring this policy: Simon Birch (Interim School Lead) (Reviewed annually or in response to changes in legislation)			
Date	Reviewed and Updated By:	Role	Date Approved by the Council of Management
01/08/17	Lesley Taberer	Bursar	
01/07/18	Lesley Taberer, Brenda Newton and Gaynor Gallagher	Part of Staff Welfare Group	
12/07/18	College of Teachers		Approved by Chair of Council 17/10/18
			20/11/18
04/02/19	Diana Ball	Education Lead	
09/01/20	Andy Plant	Education Lead	
09/01/20	College	College of Teachers	
15/01/20	Rainer Klocke	Chair of Council of Management	21/01/2020
15/7/20	Name change update		

Purpose, scope and principles

This code of conduct applies to all staff employed by the school, all school volunteers and all staff on Elmfield duties whilst out of school (e.g. on school trips) and should be read in conjunction with Appendix 1.

Elmfield Rudolf Steiner School can only be successful in providing children with an outstanding Waldorf education through the behaviour of its staff, volunteers and trustees, whether this behaviour is with children, colleagues or external agencies. We want the students to be themselves, to follow their own path and act with integrity; we also want the same from our colleagues. This is central to any Waldorf School. As such, the work that teachers and other employees carry out must be done out of freedom and trust. Our actions must not only be derived from obligation, but also as free acts born from personal integrity and a commitment to the children. However, no organisation or culture can function without some basic agreed principles in place. In this vein, this document aims to set out employees' legal obligations, together with some agreed minimum standards. It is hoped that new staff will find this useful and it will also serve to remind existing staff of minimum standards.

School staff are role models and are therefore in a unique position of influence in terms of setting a good example to all pupils/students within the school. As a member of our school community, each employee has an individual responsibility to maintain their reputation and the reputation of the school. In some circumstances, this applies outside working hours and outside the school premises.

Safeguarding pupils/students

Staff have a duty to safeguard pupils/students from: physical abuse, sexual abuse, emotional abuse and neglect. This duty includes reporting concerns about a pupil/student to the school's Designated Person (DP) for Child Protection (the Education Lead). Staff are obliged to read the school's Child Protection Policy and Whistleblowing Policy and must be familiar with these documents. Staff are expected to take reasonable care of pupils/students under their supervision with the aim of ensuring their safety and welfare. Being aware of those children on the medical awareness register is crucial.

Working alone with a student should be avoided if possible. However, it is recognised that this is not always possible. In these instances, you should be seated near an open door, within the line of sight of those walking past the door. It is essential that the environment helps the pupil feel safe and that the potential for allegations is minimised.

Setting an example

School staff and volunteers set examples of behaviour which can be copied by pupils/students. All Elmfield staff are therefore expected to use appropriate language and behaviour which they would want to be imitated. Staff are also expected to maintain high standards in their own attendance and punctuality.

Conduct outside work

As a school that is proud of its heritage, ethos and standing in the community, we take pride in our reputation and expect staff to avoid any actions that may damage the reputation of the school, employees' own reputations or the reputation of other members of the school community. In particular, criminal offences that involve violence, possession or use of illegal drugs or sexual misconduct are likely to be regarded as unacceptable and acts of gross misconduct.

Staff should exercise caution when using information technology and be aware of the risks to themselves and others. Inappropriate use of social network sites may bring staff, the school or the school community into disrepute. For example, being personal friends with a pupil on Facebook or following a student's profile on Twitter are both inappropriate.

Staff may undertake work outside school, either paid or voluntary, provided that it does not conflict with the interests of the school nor be to a level which may contravene the working time regulations or affect an individual's work performance.

Confidentiality

Where staff have access to confidential information about pupils/students or their parents or carers (and colleagues), staff must not reveal such information except to those colleagues who have a professional role in relation to the pupil/student. All issues discussed at college meetings are confidential and should not be discussed with those who are not members of college.

All staff are likely at some point to witness actions which need to be confidential. For example, where a pupil is bullied by another pupil (or by a member of staff), this needs to be reported and dealt with in accordance with the appropriate school procedure. Care should be taken to use the right channels when discussing such cases. Safeguarding investigations should be carried out by one person and staff should only discuss these issues with pupils with permission from the Designated Person or Investigator.

Staff have an obligation to share with the school's Designated Person any information which gives rise to concern about the safety or welfare of a pupil/student. Staff must never promise a pupil/student that they will not act on information that they are told by the pupil/student.

Pupil/student development

As in all schools, staff must comply with school policies and procedures and collaborate with colleagues and external agencies where necessary to support the development of pupils/students. Staff are expected to follow reasonable instructions or requests that ultimately support the development of pupils/students.

Staff Parents

We recognise that many of our staff have children in the school and are therefore part of the parent body. Staff are expected to treat "staff parents" as they would "non-staff parents" and refrain from discussing matters about their child/ren outside the context of a pre-arranged appointment.

Dignity, diversity and inclusion

As a Waldorf school, we strive to establish a strong community with strong moral values among our staff and pupils. Respect for people from all walks of life is therefore essential, regardless of their age, race, sexuality, gender, marital status, religion, beliefs or transgender status. We also aim to help pupils and students to understand that we live in a multi-cultural society. Staff must support and comply with policies relating to equal opportunity, inclusion, access and bullying, and must help create a fair and inclusive school environment. Staff must also uphold public trust by not undermining fundamental British and universal values, including democracy, rule of law, individual liberty and mutual respect, and tolerance for those with different faiths and beliefs. All staff should ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law. All pupils will be treated with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position.

Honesty and integrity

As a school we aim to maintain high standards of honesty and integrity. This includes the handling and claiming of money and the use of school property and facilities. All staff must comply with the Bribery Act 2010. A person may be guilty of an offence of bribery under this act if they offer, promise or give financial advantage or other advantage to someone; or if they request, agree, accept or receive a bribe from another person. If you believe that a person has failed to comply with the Bribery Act, you should refer to the school's Whistleblowing Policy. Gifts from suppliers or associates of the school must be declared to the Coordination Group, with the exception of 'one off' token gifts from students or parents. Personal gifts from individual members of staff to students are likely to be seen as inappropriate and could be misinterpreted by the student or student's parents – especially where gifts are repeated or generous.

Health and safety

All staff, council members and volunteers are obliged to familiarise themselves with the health and safety policy and adhere to it.

Collegiate and cooperative working

Elmfield Rudolf Steiner School prides itself on its strong Waldorf ethos. Staff are expected to support each other to understand and work out of the principles of anthroposophy and not to undermine or actively work against anthroposophical values and principles. Central to this ethos is collegiate working. Staff are expected to foster trust and professional working relationships by working collaboratively and collegiately with each other. This includes active attendance at and participation in meetings and, where full time teachers are concerned, curriculum development and relevant mandate work.

Where decisions do not fall within the remit of one person, issues will need to be debated in an appropriate forum. Staff need to and should be able to express their positive and negative views during the decision-making process. However, no community can function and develop without its members making some personal sacrifices for the greater good of the school and the principle of collegiate working. In this way, once a decision is reached, all staff therefore need to remain loyal to and adhere to that decision, even if they represented the minority that opposed it.

It is important that wherever possible, we all use the right channels of communication, both to challenge and support each other. Policies must be agreed, and decisions reached in the appropriate meetings. Staff are expected to uphold school policies and procedures and raise any concerns about the life or running of the school in a responsible and appropriate way. To challenge colleagues' decisions, the right channel to use is the forum in which the policy or decision was originally agreed or the person who made the decision / wrote the policy. Telling parents or pupils that you do not support a school policy/decision and / or actively not adhering to agreed policies/decisions are both instances of actions which are unacceptable in that they may undermine colleagues or even bring the school into disrepute.

There may be times when other commitments prevent us from supporting each other, but by and large staff are expected to support each other wherever possible by being flexible, covering colleagues' lessons/duties when they are off sick and taking on occasional additional work.

Where there are disagreements or difficult relationships between people at work, staff are expected to talk to each other informally and professionally to try to resolve the differences, using a colleague as mediator if appropriate. Whilst this is not always possible (e.g. where serious allegations are made or in instances of bullying), it is anticipated that the complaints procedure and staff grievance procedure will be used once informal steps have failed to help matters.

Disciplinary action, misconduct and convictions

All staff need to recognise that failure to meet the standards of behaviour and conduct within the code of conduct may result in disciplinary action, including dismissal.

As with all environments where children or vulnerable adults are present, staff at Elmfield are obliged to notify the school without delay if they are convicted of a criminal offence, if proceedings are brought against them or a formal accusation is made of a criminal offence.

It should also be noted that employers have to notify the relevant authority when teachers are dismissed or cease employment for reasons of misconduct or incompetence, or where they resign in circumstances where dismissal was a possibility. Where employers judge misconduct to involve a risk of harm to children and young people, they are required to refer cases to the Independent Safeguarding Authority (ISA). Under the provisions of Home Office Circular 45/86, teaching is a 'notifiable' occupation. This means that the police report any conviction or caution of a teacher to the DBS. Offences involving a risk of harm to children, or to vulnerable adults, are considered by the ISA.

Appendix 1

Guidance for safer working practice for those working with children and young people in education settings October 2015

Adapted for Elmfield School

1. Introduction

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

This means that these guidelines:

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

2. Status of document

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

3. Responsibilities

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

This means that staff should:

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

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

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

This means that employers should:

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

The public, local authorities, employers and parents/carers will have expectations about the nature of professional involvement in the lives of children. When individuals accept a role

This means that Managers / Proprietors/ Governing Bodies should:

- ensure that appropriate safeguarding and

working in an education setting, they should understand and acknowledge the responsibilities and trust involved in that role.

child protection policies and procedures are distributed, adopted, implemented and monitored

Employers have duties towards their employees and others under Health and Safety legislation which requires them to take steps to provide a safe working environment for staff. Legislation also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of these guidelines.

4. Making professional judgements

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

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

This means that where no specific guidance exists staff should:

- *discuss the circumstances that informed their action, or their proposed action, with their line manager or, where appropriate, the school's designated safeguarding lead. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- *always discuss any misunderstanding, accidents or threats with the designated safeguarding lead*
- *always record discussions and actions taken with their justifications*
- *record any areas of disagreement and, if necessary, refer to another agency/the LA/Ofsted/NCTL/other Regulatory Body*

5. Power and positions of trust and authority

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

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

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

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

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

6. Confidentiality

The storing and processing of personal information is governed by the Data Protection Act 1998. Employers should provide clear advice to staff about their responsibilities under this legislation so that, when considering sharing confidential information, those principles should apply.

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

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

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

This means that staff should not:

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

If a child – or their parent / carer – makes a disclosure regarding abuse or neglect, the member of staff should follow the setting’s procedures. The adult should not promise confidentiality to a child or parent but should give reassurance that the information will be treated sensitively.

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

7. Standards of behaviour

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

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

The Childcare (Disqualification) Regulations 2009 set out grounds for disqualification under the Childcare Act 2006. A disqualified person is prohibited from providing relevant early or later years childcare as defined in the Childcare Act 2006 or being directly concerned in the management of such childcare. Schools and private childcare settings are also prohibited from employing a disqualified person in respect of relevant early or later years childcare.

8. Dress and appearance

A person’s dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However, staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily different to that adopted in their personal life.

This means that staff should not:

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

This means that staff should:

- *be aware that behaviour by themselves, those with whom they share a household, or others in their personal lives, may impact on their work with children*
- *understand that they must inform the school if their relationships and associations, both within and outside the workplace (including online) may have implications for the safeguarding of children in the school*
- *inform the school if their circumstances change*

This means that staff should wear clothing which:

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*

Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegation.

- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory*
- *is compliant with professional standards*

9. Gifts, rewards, favouritism and exclusion

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

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

Similarly, it is inadvisable to give personal gifts to pupils or their families as this could be interpreted as a gesture either to bribe or groom. It might also be perceived that a 'favour' of some kind is expected in return.

Any reward given to a pupil should be in accordance with agreed practice, consistent with the school or setting's behaviour policy and not based on favouritism. It is acceptable to give a small birthday gift or birthday verse to a child as long as this is done for all children in the class.

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

10. Infatuations and 'crushes'

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

This means that staff should:

- *ensure that gifts received or given in situations which may be misconstrued are declared and recorded*
- *only give gifts to a pupil as part of an agreed reward system*
- *where giving gifts other than as above, ensure that these are of insignificant value and given to all pupils equally*
- *ensure that all selection processes of pupils are fair*
- *ensure that they do not behave in a manner which is either favourable or unfavourable to individual pupils*

This means that staff should:

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

This means that senior managers should:

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

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

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

11. Social contact outside the workplace

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

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

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

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

This means that staff should:

- *always approve any planned social contact with pupils or parents with senior colleagues, for example when it is part of a reward scheme*
- *advise senior management of any regular social contact they have with a pupil which could give rise to concern*
- *refrain from sending personal communication to pupils or parents unless agreed with senior managers*
- *inform senior management of any relationship with a parent where this extends beyond the usual parent/professional relationship*
- *inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring*

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

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

In order to make best use of the many educational and social benefits of new and emerging technologies, pupils need opportunities to use and explore the digital world. Safeguarding 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 which detail how new and emerging technologies may be used.

Communication with children both in the real world and virtual world should take place within explicit professional boundaries. This includes the use of computers, tablets, phones, texts, e-mails, instant messages, social media such as Facebook and Twitter, chat-rooms, forums, blogs, websites, gaming sites, digital cameras, videos, web-cams and other hand-held devices (this list is not exhaustive.)

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

Staff should not give their personal contact details to children for example, e-mail address, home or mobile telephone numbers, details of web-based identities. If children locate these by any other means and attempt to contact or correspond with the staff member, the adult should not respond and must report the matter to their manager. The child should be firmly informed that this is not acceptable. Staff should, in any communication with children, also follow the guidance in section 7 'Standards of Behaviour'.

This means that adults should:

- *not seek to communicate/make contact or respond to contact with pupils outside of the purposes of their work*
- *not give out their personal details to pupils, including their mobile phone number*
- *use their Elmfield email address when emailing parents or pupils, and only email pupils with parental consent*
- *use only equipment and Internet services provided by the school*
- *ensure that their use of technologies could not bring their employer into disrepute*

13. Physical contact

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

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

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

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

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

This means that staff should:

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

Education settings should:

- *ensure they have a system in place for recording incidents*
- *provide staff, on a 'need to know' basis, with relevant information about vulnerable children in their care*

This means that staff should:

- *treat pupils with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a pupil the reason why contact is necessary and what form that contact will take*
- *seek consent of parents where a pupil is unable to give this e.g. because of a disability*
- *consider alternatives, where it is anticipated that a pupil might misinterpret*

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

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

14. Other activities that require physical contact

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

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

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

any such contact

- *be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*
- *be aware of gender, cultural and religious issues that may need to be considered prior to initiating physical contact*

This means that staff should:

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

This means that education settings should:

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

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

15. Intimate / personal care

A care plan should be written for any pupils with intimate/personal care needs. Pupils should be encouraged to act as independently as possible and to undertake as much of their own personal care as is possible and practicable. When assistance is required, this should normally be undertaken by one member of staff, however, they should try to ensure that another appropriate adult is in the vicinity who is aware of the task to be undertaken and that, wherever possible, they are visible and/or audible.

Intimate or personal care procedures should not involve more than one member of staff unless the pupil's care plan specifies the reason for this. The health, safety, independence and welfare of children should be promoted and their dignity and privacy respected at all times.

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

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

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

This means that education settings should:

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

This means that staff should:

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

This means that adults should not:

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

16. Behaviour management

Corporal punishment and smacking is unlawful in all schools and early years settings.

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

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

Where a pupil has specific needs in respect of particularly challenging behaviour, a support plan, including assessment of risk, should be drawn up by the school and agreed by the pupil's parents.

This means that staff should:

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

17. The use of control and physical intervention

Elmfield School has a Physical Intervention policy and school staff should comply with this policy at all times.

This means that schools should:

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

This means that staff should:

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

This means that staff should not:

- use physical intervention as a form of punishment

18. Sexual conduct

Any sexual behaviour by a member of staff with or towards a pupil is unacceptable. It is an offence for a member of staff in a position of trust to engage in sexual activity with a pupil under 18 years of age and sexual activity with a child could be a matter for criminal and/or disciplinary procedures.

This means that staff should:

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

Pupils 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.

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

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

19. One to one situations

Staff working in one to one situations with pupils at the setting, including visiting staff from external organisations, can be more vulnerable to allegations or complaints. At Elmfield this group includes therapists, counsellors, instrument teachers and private tutors (pupils or staff).

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

20. Home visits

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

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

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

This means that staff should:

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

This means that staff should:

- *agree the purpose for any home visit with their manager*
- *adhere to agreed risk management strategies*
- *avoid unannounced visits wherever possible*
- *ensure there is visual access and/or an open door in one to one situations*

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

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

This means that schools should:

- ensure that they have a lone-working policy which all adults are made aware of. These should include arrangements for risk assessment and management
- ensure that all visits are justified and recorded
- ensure that staff are not exposed to unacceptable risk
- make clear to staff that, other than in an emergency, they should not enter a home if the parent/carer is absent
- ensure that staff have access to a mobile telephone and an emergency contact

21. Transporting pupils

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

This means that staff should:

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

Staff should not offer lifts to pupils unless the need for this has been agreed by the school. The trip organiser is responsible for planning and providing oversight of all transport arrangements and responding to any concerns that may arise.

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

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

22. Educational visits

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

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

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

Staff should take particular care when supervising pupils in the less formal atmosphere of an educational visit or class trip. However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

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

This means that staff should:

- *adhere to their organisation's educational visits guidance*
- *always have another adult present on visits, unless otherwise agreed with senior staff*
- *undertake risk assessments*
- *have parental consent to the activity*
- *ensure that their behaviour remains professional at all times*
- *never share beds with a child/pupil*
- *never share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with Education Lead, parents and pupils*
- *refer to local and national guidance for Educational visits, including exchange visits (both to the UK and abroad)*
- *participate positively in post-trip reviews*

23. First Aid and medication

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

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

Staff should receive sufficient and suitable training and achieve the necessary level of competency before they take on responsibility to support children with medical conditions. Advice on managing medicines is included in the statutory guidance on supporting pupils at school with medical conditions. In circumstances where a pupil needs medication regularly, this would usually be recorded in their individual healthcare plan. This provides details of the level and type of support a child needs to manage effectively their medical condition in school and should include information about the medicine to be administered, the correct dosage and any storage requirements.

After discussion with parents, children who are competent should be encouraged to take responsibility for managing their own medicines and procedures. This could include for example, the application of any ointment or sun cream, or use of inhalers or Epipens.

If staff are concerned or uncertain about the amount or type of medication being given to a pupil this should be discussed with the DSL.

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

- *This means that schools should:*
- *ensure there are trained and named individuals to undertake first aid responsibilities, including paediatric first aid*
- *ensure training is regularly monitored and updated*
- *refer to local and national First Aid guidance and guidance on meeting the needs of children with medical conditions*
- *adhere to the school's health and safety policy*
- *make other staff aware of the task being undertaken*
- *have regard to pupils' individual healthcare plans*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*
- *explain to the pupil what is happening.*
- *always act and be seen to act in the pupil's best interest*
- *make a record of all medications administered*
- *not work with pupils whilst taking medication unless medical advice confirms that they are able to do so*

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

24. Photography, videos and other images

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

All settings should have arrangements with regard to the taking and use of images, which is linked to their safeguarding and child protection policy. This should cover the wide range of devices which can be used for taking/recording images e.g. cameras, mobile-phones, smart phones, tablets, web-cams etc. and arrangements for the use of these by both staff, parents and visitors.

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

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

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

This means that staff should:

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

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This means that adults should not:

- *take images of pupils for their personal use*
- *display or distribute images of pupils unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child)*
- *take images of children using personal equipment*
- *take images of children in a state of undress or semi-undress*
- *take images of children which could be considered indecent or sexual*

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

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

25. Exposure to inappropriate images

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

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

If indecent images of children are discovered at the establishment or on the school or setting's equipment an immediate referral should be made to the Designated Officer, (DO) and the police contacted if relevant. The images/ equipment should be secured and there should be no attempt to view or delete the images as this could jeopardise necessary criminal action. If the images are of children known to the school, a referral should also be made to children's social care in line with local arrangements.

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

This means that staff should:

- *comply with the schools safeguarding policies*
- *ensure that children cannot be exposed to indecent or inappropriate images*
- *ensure that any films or material shown to children are age appropriate*

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

26. Personal living accommodation including on site provision

Generally, staff should not invite any pupils into their living accommodation unless the reason to do so has been firmly established and agreed with their manager and the pupil's parents/carers. In addition, a full risk assessment will be required.

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

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

27. Curriculum

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

This can be supported by developing ground rules with pupils to ensure sensitive topics can be discussed in a safe learning environment.

This means that staff should:

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

This means that staff should:

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

This means that adults should not:

- *enter into or encourage inappropriate discussions which may offend or harm others*
- *attempt to influence or impose their personal values, attitudes or beliefs on pupils*

This plan should highlight particular areas of risk and sensitivity and care should especially be taken in those areas of the curriculum where usual boundaries or rules are less rigorously applied e.g. drama.

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

Care should be taken to comply with the school's British Values statement and PSHEE policy. It should be noted that parents have the right to withdraw their children from all or part of any sex education provided.

28. Whistleblowing

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

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

This means that schools and settings should:

- *have a whistleblowing policy in place which is known to all*
- *have, as part of their safeguarding and child protection policy, clear procedures for dealing with allegations against persons working in or on behalf of the school or setting*

This means that staff should:

- *report any behaviour by colleagues that raises concern*
- *report allegations against staff and volunteers to their manager, or registered provider, or where they have concerns about the manager's response report these directly to the DO*

29. Sharing concerns and recording incidents

All staff should be aware of their establishment's safeguarding procedures, including the procedures for dealing with allegations against staff and volunteers. In the event of an allegation being made, by any person, or incident being witnessed, the relevant information should be immediately recorded and reported to the DSL.

This means that staff should:

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

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

In order to safeguard and protect pupils and colleagues, where staff have any concerns about someone who works with children, they should immediately report this to the DSL or proprietor in line with the school's Child Protection policy.

This means that schools should:

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