



**The Circle Trust Document: Staff Code of Conduct Policy**

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Owner: H.R

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Changes History:

Version	Date	Amended by:	Substantive changes:	Purpose
1.0				First release
1.1				
1.2				
1.3				

## **1. Introduction**

- 1.1 This Code of Conduct sets out the standards expected and the duty upon staff to abide by it.
- 1.2 All staff have a duty to keep children and young people and themselves safe and to protect them from physical and emotional harm. This duty is, in part, exercised through the development of respectful, caring and professional relationships between adults and children and young people with professional behaviour by adults that demonstrate integrity, maturity and good judgment.
- 1.3 Following this Code of Conduct will help to safeguard staff from being maliciously, falsely or mistakenly suspected or accused of professional misconduct in relation to children and young people.
- 1.4 Employees must feel able to raise issues of concern and everyone must fully recognise the duty to do so particularly in terms of safeguarding as set out in [The Circle Trust's Safeguarding \(including Child Protection\) Policy](#). A member of staff who, in good faith, "whistle-blows" or makes a public interest disclosure will have the protection of the relevant legislation as set out in The Circle Trust's [Whistleblowing Policy](#).
- 1.5 This Code of Conduct cannot provide a complete checklist of what is, or is not, appropriate behaviour for employees. However, it does highlight behaviour that is illegal, inappropriate or inadvisable in relation to children or young people.
- 1.6 Employees are expected to make responsible and informed judgements about their own behaviour in order to secure the best interests and welfare of the children and young people in their charge.
- 1.7 This Code of Conduct forms part of the school's disciplinary rules for employees as set out in The Circle Trust's [Staff Discipline, Conduct and Grievance Policy](#). A serious breach of this Code will be regarded as gross misconduct. A less serious breach may result in a disciplinary warning or a lesser disciplinary sanction.
- 1.8 Where an allegation of abuse is made against an employee The Circle Trust will follow the guidance set out in Keeping Children Safe in Education published by the DFE in March 2015, the last update being September 2016, <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> This guidance lays out how to manage allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It will be used where it is alleged that a member of staff has:
  - behaved in a way that has harmed a child, or may have harmed a child;
  - possibly committed a criminal offence against or related to a child; or,
  - behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

## **2. The Aims and Objectives of Employee's Code of Conduct**

- 2.1 To keep children and young people from harm

2.2 For The Circle Trust to exercise its duty of care to staff by guiding and advising our employees

### **3. The management of Employee's Code of Conduct**

3.1 The Trustees have a fundamental role to:

- review this policy to approve changes
- be satisfied that the Code of Conduct is actively promoted and understood by all employees.

3.2 The Executive Headteacher will:

- implement this policy
- promote and ensure that all employees understand and follow The Circle Trust's Code of Conduct as set out in this policy

3.3 The Local Advisors have a fundamental role to:

- be satisfied that employees at their school are aware of and follow The Circle Trust's Code of Conduct

3.4 A Headteacher with the oversight of Local Advisors will:

- implement this policy for their school
- promote and ensure that all employees in their school understand and follow The Circle Trust's Code of Conduct as set out in this policy

### **4. Professional Practice expectations**

4.1 All employees as appropriate to the role and/or job description of the individual, must:

4.2 Place the well-being and learning of children and young people at the centre of their professional practice.

4.3 Have high expectations for all children and young people, be committed to addressing underachievement and work to help children or young people's progress regardless of their background and personal circumstances.

4.4 Treat children and young people fairly and with respect, take their knowledge, views, opinions and feelings seriously and value diversity and individuality.

4.5 Model the characteristics they are trying to inspire in children and young people, including enthusiasm for learning, a spirit of enquiry, honesty, tolerance, social responsibility, patience, and a genuine concern for other people.

- 4.6 Respond sensitively to the differences in the home backgrounds and circumstances of children and young people, recognising the key role that parents and carers play in children or young people's education.
- 4.7 Seek to work in partnership with parents and carers, respecting their views and promoting understanding and co-operation to support the child or young person's learning and well-being in and out of school.
- 4.8 Reflect on their own practice, develop their skills, knowledge and expertise, and adapt appropriately to learn with and from colleagues.
- 4.9 Ensure that partisan political views are not promoted in their teaching. Making sure that where political issues are brought to the attention of the child or young person, reasonably practicable steps have been taken to offer a balanced presentation of opposing views.

### **Confidentiality**

- 5.
- 5.1 Employees will have access to confidential information about children and young people in order to undertake their responsibilities. In some circumstances the information may be highly sensitive. Confidential or personal information about a child or young person or her/his family must never be disclosed to anyone other than on a need to know basis. In circumstances where the child or young person's identity does not need to be disclosed the information should be used anonymously. Information must never be used to intimidate, humiliate, or embarrass.
- 5.2 There are some circumstances in which an employee may be expected to share information about a child or young person in relation to child protection. In such cases, employees have a duty to pass information on without delay to those with the Designated Safeguarding Lead, their Deputy or the Headteacher. Failure, in these circumstances, to pass on information will result in disciplinary action as part of The Circle Trust's Staff Discipline, Conduct and Grievance Policy
- 5.3 Confidential information about children or young people must be held securely as set out in The Circle Trust's [Data Protection Policy](#). Confidential information about children or young people must not be held off the school site other than on security protected school equipment. If an employee is in any doubt about the storage or sharing of information s/he must seek guidance from the Deputy Safeguarding Lead, his/her Deputy or the Headteacher. Any non electronic records must be kept in a secure, locked location on the school site.
- 5.4 Any external media or legal enquiries must be passed to the Designated Safeguarding Lead, his/her deputy or the Headteacher.

### **Propriety, Behaviour, Reputation and Appearance**

- 6.
- 6.1 All employees have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children or young people. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, children and young people as well as the public in general. An employee's behaviour, either in or out of the

workplace, should not compromise her/his position within the work setting or bring their school or The Circle Trust into disrepute.

6.2 An employee's dress and appearance are matters of personal choice and self-expression. However employees must ensure they are dressed professionally, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct.

6.3 Personal property of a sexually explicit nature such as books, magazines, DVDs or such material on any electronic media must under no circumstance be brought onto or stored on a school's premises.

6.4 Social networking sites and blogging are extremely popular. Employees must not post material which damages the reputation of their school or The Circle Trust or which causes concern about their suitability to work with children and young people. Those who post material which could be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct.

6.5 The Circle Trust prohibits the involvement of employees from any form of social networking with children and young people. Communication should be contained to school networks only and email contact should be via school email accounts only. If there is any doubt about whether communication with children or young people is appropriate advice should be sought from a member of the Deputy Safeguarding Lead, his/her Deputy or the Headteacher.

## **Sexual Contact with Children and Young People and Abuse of Trust**

7.

7.1 Any sexual behaviour with or towards a child or young person, is illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether there is consent or not. All employees of The Circle Trust who have contact with children and young people are in positions of trust. The Sexual Offences (Amendment) Act 2000 specifically established a criminal offence of the abuse of trust in relation to teachers and others who are in relationship of trust with 16-18 year olds.

7.2 Sexual behaviour includes non-contact activities, such as causing a child or young person to engage in or watch sexual activity or the production of indecent images of children. 'Working Together to Safeguard Children: March 2015', defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening'. Please refer to [The Circle Trust's Safeguarding and Child Protection Policy](#).

7.3 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 or young person and manipulate that relationship so that sexual abuse can take place. Employees should be aware that conferring special attention without good reason or favouring a child or young person has the potential to be construed as being part of a 'grooming' process, which is a criminal offence.

7.4 A relationship between a member of staff and a child or young person cannot be a relationship between equals. There is potential for exploitation and harm of children and young people and all adults have a responsibility to ensure that the unequal balance of power is not used for personal advantage or gratification.

## **Infatuations and Crushes**

### **8.**

8.1 Employees must be aware that a child or young person may be strongly attracted to them and/or develop an infatuation. An employee, who becomes aware that a child or young person may be infatuated with him/herself or a colleague, must report this without delay to the Deputy Safeguarding Lead, his/her Deputy or the Headteacher so that appropriate action can be taken. The situation will be taken seriously and the employee should be careful to ensure that no encouragement of any kind is given to the child or young person. It should also be recognised that careless and insensitive reactions may provoke false accusations. Whilst the risk of infatuation is not limited to younger members of staff, newly qualified teachers must recognise their particular vulnerability to adolescent infatuation.

8.2 Seeking advice in circumstances where concerns arise. Examples of situations which must be reported are given, although not limited to, below:

- Where an employee is concerned that he or she might be developing a relationship with a child or young person which could have the potential to represent an abuse of trust,
- Where an employee is concerned that a child or young person is becoming attracted to him or her or that there is a developing attachment or dependency.
- Where an employee is concerned that actions or words have been misunderstood or misconstrued by a child or young person such that an abuse of trust might be wrongly suspected by others.
- Where an employee is concerned about the apparent development of a relationship by another member of staff, or receives information about such a relationship.

### **9. Gifts**

9.1 Employees need to take care that they do not accept any gift that might be construed by others as a bribe, or lead the giver to expect preferential treatment. There are occasions when children or young people or parents/carers wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is wholly acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value. Should a member of staff be concerned at the value of a gift they have been given, they should speak to the Deputy Safeguarding Lead, his/her Deputy or the Headteacher.

9.2 Personal gifts must never be given to children or young people. This could be misinterpreted as a gesture either to bribe, or single out the young person. It might be perceived that a 'favour' of some kind is expected in return. Any reward given to a child or young person should be consistent with a school's Behaviour Policy, recorded, and not based on favouritism.

## **Social Contact and Social Networking**

### **10**

10.1 Employees as already stated in 6.5 must not establish or seek to establish social contact with children or young people for the purpose of securing a friendship or to pursue or strengthen a relationship. This includes social networking sites such as, but not limited to Whatsapp, Twitter, Facebook and blogging, even if a child or young person seeks to establish social contact, or if

this occurs coincidentally, the employee should exercise her/his professional judgment in making a response and be aware that such social contact in person, by phone or on the internet could be misconstrued and may place the employee in a very vulnerable position.

10.2 Employees should ensure that the privacy protection facility is used and they should not use their work email address or account to access these sites. With the exception of LinkedIn, the workplace should not be named on networking sites.

10.3 Employees must not give their personal details such as home/mobile phone number; home or e-mail address to children or young people or parents/carers.

### **Physical Contact and Personal Privacy**

#### **11.**

11.1 There are occasions when it is entirely appropriate and proper for an employee to have physical contact with children or young people, but it is crucial that they only do so in ways appropriate to their professional role. When physical contact is made with children or young people this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child or young person in one set of circumstances may be inappropriate in another, or with a different child or young person.

11.2 Physical contact should never be secretive or casual, or for the gratification of the employee, or represent a misuse of authority. If an employee believes that an action could be misinterpreted, the incident and circumstances should be reported Deputy Safeguarding Lead, his/her Deputy or the Headteacher.

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

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

11.5 Where an employee has a particular concern about the need to provide this type of care and reassurance s/he should seek further advice from the Deputy Safeguarding Lead, his/her Deputy or the Headteacher.

11.6 Some employees, for example those who teach PE and games or who provide music tuition, will on occasions have to initiate physical contact with children or young people in order to support a child or young person so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the child or young person's agreement. Contact under these circumstances should be for the

minimum time necessary to complete the activity and take place in an open environment. Employees should remain sensitive to any discomfort expressed verbally or non-verbally by the child or young person.

11.7 Children and young people are entitled to respect and privacy when changing clothes or taking a shower. However, there needs to be an appropriate level of supervision in order to safeguard children and young people, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the children and young people concerned and sensitive to the potential for embarrassment.

11.8 Employees with a job description which includes intimate care duties will have appropriate training and written guidance. No other employee should be involved in intimate care duties except in an extreme emergency.

## **Behaviour Management and Physical Intervention**

### **12.**

12.1 Children and young people have a right to be treated with respect and dignity. Corporal punishment is unlawful in all schools. Employees must not use any form of degrading treatment to punish a child or young person. The use of sarcasm, demeaning or insensitive comments towards children or young people is not acceptable in any situation. Shouting aggressively or deliberately intimidating is not acceptable.

12.2 The circumstances in which an employee can physically intervene with a child or young person are covered by the 1996 Education Act. Employees may legitimately intervene to prevent a child or young person 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. Employees should have regard to the health and safety of themselves and others. Where physical intervention is used, this must be reported to the Headteacher as soon as possible and the Positive Handling Form completed.

12.3 Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence.

12.4 All schools must have trained first aiders/appointed persons. Employees must have had the appropriate training before administering first aid or medication except in an emergency.

## **One to One Situations and Meetings with children and young people**

### **13.**

13.1 Employees working in one to one situations with children and young people are more vulnerable to allegations. Employees must recognise this possibility and plan and conduct such meetings accordingly. Where a one to one situation is demonstrably unavoidable it is important to avoid remote or secluded areas of the school and to ensure that the door of the room is left open and/or visual/auditory contact with others is maintained. Meetings with children and young people should only take place in areas of the school where there are windows and/or glass door panels.

13.2 Pre-arranged meetings with children or young people away from the school premises or when the school is not in session are not permitted unless approval is obtained from their parent/carer and the Headteacher.

## **Transporting children or young people**

**14**

14.1 In certain situations e.g. out of school activities, employees may agree to transport children or young people. This is only acceptable with appropriate insurance and parental/carer consent. Wherever possible and practicable transport should be provided other than in private vehicles, with at least one adult additional to the driver acting as an escort.

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

## **Educational Visits and School Clubs**

**15.**

15.1 Staff should take particular care when supervising children or young people in the less formal atmosphere of an educational visit, particularly in a residential setting, or after-school activity. Employees remain in a position of trust and the same standards of conduct apply.

## **Curriculum**

**16.**

16.1 Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity.

16.2 The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to children or young people's questions can require careful judgement and employees are encouraged to pause such conversations and return to them only if appropriate and after consideration with guidance in these circumstances from a the Deputy Safeguarding Lead, his/her Deputy or the Headteacher.

16.3 Teachers should always encourage children or young people to respect the fundamental British values of democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs.

## **Photography, Videos and Performing Arts**

**17.**

17.1 Many school activities involve recording images. These may be undertaken as part of the curriculum, extra school activities, for publicity, or to celebrate achievement. The Data Protection Act 1998 affects the use of photography. An image of a child or young person is personal data and it is, therefore, a requirement under the Act that consent is obtained from the parent of a child or young person for any images made such as those used for school web sites, productions or other purposes.

17.2 Employees need to be aware of the potential for such images to be misused to create indecent images of children and/or for 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken. Particular regard needs to be given when they involve vulnerable children or young people who may be unable to question why or how

the activities are taking place. It is also important to take into account the wishes of the child or young person, remembering that some children do not wish to have their photograph taken.

- 17.3 Using images of children and young people for publicity purposes will require the age-appropriate consent of the individual concerned and their legal guardians. Images must not be displayed on websites, in publications or in a public place without such consent.

17.4 When using a photograph/video the following guidance must be followed:

- If the photograph is used, avoid naming the child or young person
- If the child or young person is named, avoid using the photograph
- Images must be securely stored and used only by those authorised to do so
- Be clear about the purpose of the activity and about what will happen to the photographs when the lesson/activity is concluded
- Ensure that the Deputy Safeguarding Lead, his/her Deputy or the Headteacher is aware that the photography/image equipment is being used and for what purpose
- Ensure that all images are available for scrutiny in order to screen for acceptability.
- Be able to justify the images made
- Do not make images in one to one situations
- Do not take, display or distribute images of children and young people unless there is consent to do so
- Videos material shown in class must be age and content appropriate

## **Internet Use and Electronic Communication**

18.

Under no circumstances should employees of The Circle Trust access inappropriate images.

- 18.1 Deliberately accessing pornography on school equipment will be treated as gross misconduct and may be a criminal offence. Accessing indecent images of children on the internet, and making, storing or disseminating such material, is illegal and is likely lead to criminal prosecution and may result in barring from work with children and young people.

## **Sharing Concerns and Recording Incidents**

19.

- 19.1 Employees must be vigilant, share concerns and report incidents. The Circle Trust's [Whistleblowing Policy](#). Whistle blowing is the mechanism by which employees can voice their concerns, made in good faith, without fear of repercussion. Any inappropriate action by a member of staff that may result in an allegation of misconduct in relation to safeguarding children must be reported immediately to the Headteacher. The following "Red Flag Behaviours" give indications of the kinds of situations which should be shared with the Headteacher.

An employee who:

- allows a child or young person to be treated badly; pretends not to know it is happening
- gossips/shares information inappropriately

- demonstrates inappropriate discriminatory behaviour and/or uses inappropriate language
- dresses in a way which is inappropriate for the job role
- does not treat children and young people fairly - demonstrates favouritism
- demonstrates a lack of understanding about personal and professional boundaries
- uses his/her position of trust to intimidate, threaten, coerce or undermine
- appears to have an inappropriate social relationship with a child or young person
- appears to have special or different relationship with a child or young person
- seems to seek out unnecessary opportunities to be alone with a child or young person

## 20. **Child Safeguarding Competences for staff and volunteers who work with Children and Young People**

20.1 The following competences are necessary:

### **Emotional Awareness**

- Aware of the range of emotions in self and others
- Demonstrates empathy for the concerns of others
- Listens to and understands directly and indirectly expressed feelings
- Encourages others to express themselves openly
- Manages strong emotions and responds constructively to the source of problems
- Listens to personal comments without becoming defensive
- In highly stressful situations, keeps own feelings in check, takes constructive action and calms others down
- Has a range of mechanisms for dealing with stress, can recognise when to use them and does so
- Shows respect for others' feelings, views and circumstances

### **Working within Professional Boundaries**

- Demonstrates professional curiosity
- Accepts responsibility and accountability for own work and can define the responsibilities of others
- Recognises the limits of own authority within the role
- Seeks and uses professional support appropriately
- Understands the principle of confidentiality

### **Self-awareness**

- Has a balanced understanding of self and others
- Has a realistic knowledge of personal strengths and weaknesses
- Can demonstrate flexibility of approach
- Shows a realistic appreciation of the challenges of working with children and young people

**Ability to Safeguard and promote the welfare of children and young people**

- Appreciates the significance of safeguarding and interprets this accurately for all individual children and young people whatever their life circumstances
- Has a good understanding of the safeguarding agenda
- Can demonstrate an ability to contribute towards a safe environment
- Is up-to-date with legislation and current events
- Can demonstrate how s/he has promoted 'best practice'
- Shows a personal commitment to safeguarding children and young people