



## ST MARY & ST JOSEPH'S

### Code of Conduct and Guidelines for Safe Working Practices for the Protection of Children and Staff

#### 1. Introduction

- 1.1 The Governors of St Mary & St Joseph's have a legal duty under section 175/157 of the Education Act 2002 to safeguard and promote the welfare of pupils by creating and maintaining a safe learning environment. A Code of Conduct is a mandatory requirement as described in 'Keeping Children Safe in Education'.
- 1.2 In this regard, all St Mary & St Joseph's staff have a duty to keep children and young people safe and protect them from harm. Staff should ensure that they do not put themselves in situations in which allegations of abuse or inappropriate behaviour could be made.
- 1.3 The Public are also entitled to expect the highest standards of conduct from St Mary & St Joseph's staff, governors and volunteers and to have trust and confidence in their integrity.
- 1.4 All adults working in St Mary & St Joseph's must therefore act with the utmost good faith with regard to the business of the St Mary & St Joseph's and not do anything, which may adversely affect its reputation.
- 1.5 The following Code has been drawn up with a view to reducing the risk of staff being accused of improper or unprofessional conduct in all aspects of their work. It aims to help staff work safely and professionally and clarify what behaviour constitutes safe practice and what is unacceptable and/or illegal.
- 1.6 The Code refers closely to the national Guidance for Safer Working Practice for Adults who Work with Children and Young People in Education Settings 2009 and has been agreed following consultation with the recognised trades unions.

#### 2. Scope

- 2.1 The Code applies to all adults working in St Mary & St Joseph's whatever their position, roles or responsibilities and is therefore aimed at all St Mary & St Joseph's-based staff and volunteers.
- 2.2 The Code is predominantly geared towards safe working practices for the protection of children and in this connection should be read in conjunction with Child Protection Policy, Allegations policy and Social Networking Policy. However, the Code also encompasses other general aspects of conduct expected within St Mary & St Joseph's.

- 2.3 The Code cannot cover every eventuality. Its purpose is to show the standard expected of employees, but it does not replace the general requirements of the law.
- 2.4 In respect of teachers specifically, the Code supplements the Teachers' Standards as set out in the St Mary & St Joseph's Teachers' Pay and Conditions Document.
- 2.4 The Code is recommended to all St Mary & St Joseph's Governing Bodies for adoption.
- 2.5 The Local Authority will not accept liability for any actions, claims, costs or expenses arising out of a St Mary & St Joseph's decision not to follow these recommended guidelines, where it is found that the St Mary & St Joseph's Governing Body has been negligent or has acted in an unfair or discriminatory manner.**

### **3. General obligations**

- Staff should understand the responsibilities that are an intrinsic part of their employment or role. They should make a professional judgement about their actions and behaviour and seek to avoid conduct, which would lead any reasonable person to question their motivation or intentions.
- If there is an incident where staff feel there may be a concern, they should discuss the circumstances that informed their action, or their proposed action with a senior colleague, to help ensure that the safest practices are employed and the risk of actions being misinterpreted reduced.
- Records should be made of any incidents and decisions made or further actions agreed, with their justifications, in accordance with St Mary & St Joseph's policy.
- All staff should know the Designated Safeguarding Lead, be familiar with local child protection arrangements and understand their responsibilities to safeguard and protect children and young people.
- Staff should understand their responsibility to voice any general concerns that they might have about practice within the St Mary & St Joseph's, in accordance with the St Mary & St Joseph's Whistle Blowing policy.
- Staff should also be aware of and comply with St Mary & St Joseph's financial and administrative regulations and any other procedure manuals such as the personnel handbook.
- Unlawful, unsafe or inappropriate behaviour may result in disciplinary action being taken.

### **4. Good practice guidelines**

The following Code and guidelines set out specific areas of conduct and behaviour that constitute expected and safe practice.

If staff are in any doubt about any aspect of this guidance or need to seek further clarification about a particular situation in the absence of specific guidance, they are advised to speak to a senior manager within St Mary & St Joseph's.

#### **4.1. Propriety and Behaviour**

4.1.1 All adults working with children and young people are in a position of trust in relation to the individuals in their care. Staff are expected to adopt high standards of personal integrity and conduct and behave in such a way that does not compromise their position both within or outside St Mary & St Joseph's or the safety and welfare of children.

4.1.2 The Teaching Standards issued by the Department for Education also sets out the minimum professional standards for the teaching profession and states that a teacher is expected to demonstrate consistently high standards of personal and professional conduct.

Staff should not:

- behave in a manner, which would lead any reasonable person to question their suitability to work with children or act as a role model;
- use their power to intimidate, threaten, coerce or undermine pupils;
- make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate other individuals or might be interpreted as such.

#### **4.2 Confidentiality and Information disclosure**

4.2.1 Staff should not use any information obtained in the course of their duties to the detriment of St Mary & St Joseph's or for personal gain or benefit or pass this information on to others who might use it in such a way.

4.2.2 Staff must also take all reasonable steps to ensure that the loss, destruction, inaccuracy or disclosure of information does not occur as a result of their actions, including information relating to St Mary & St Joseph's business and pupil data.

4.2.3 There are some circumstances in which staff may be expected to share information about a child, for example, when child protection issues arise. In such cases staff have a duty to pass information on without delay in line with the St Mary & St Joseph's policy/local procedures. If staff are in any doubt about whether to share information or keep it confidential they should seek guidance from a senior manager or person with designated child protection responsibilities.

- staff should not use their position to gain access to information for their own advantage or to intimidate, humiliate or embarrass a child;
- staff are expected to treat any information they receive about children and young people in a discreet and confidential manner;
- staff need to be cautious when passing on information to others about a child/young person and if in any doubt about sharing information, seek the advice of a senior member of staff, or those with designated child protection responsibilities.

### **4.3 Equality issues**

4.3.1 All staff should adhere to the St Mary & St Joseph's Equal Opportunities Policy, in addition to the requirements of the law.

- staff should not discriminate in recruitment and employment practices, nor in the delivery of services;
- staff should also ensure that in their dealings with parents and other members of the public, they ensure the provision of an efficient and impartial delivery to all individuals.

### **4.4 Employment matters**

4.4.1 All staff involved in appointments and/or tendering process should ensure that these are made on the basis of merit.

- staff should not be involved in an appointment or decisions relating to discipline, promotion or pay adjustments for any individual who is a relative or with whom they are in a close personal relationship;
- all relationships of a business or private nature with external contractors, or potential contractors should be made known to the Headteacher.

### **4.5 Public duty and private interest**

4.5.1 It is important that staff do not put themselves in a position where their duty to St Mary & St Joseph's and their private interests conflict.

- Staff should not allow their own personal or political opinions to interfere with their work and the provision of a balanced and professional service, ensuring that they work to the professional standard required.

### **4.6 Other employment/private work**

4.6.1 Any external work that staff undertake must not bring St Mary & St Joseph's into disrepute or conflict with the St Mary & St Joseph's interest.

4.6.2 Any copyright created by a member of staff during their employment with St Mary & St Joseph's becomes the property of the St Mary & St Joseph's.

- staff should not set up a business or accept employment with a business that is engaged in work, which is in direct competition with St Mary & St Joseph's.
- private work should not be undertaken in the St Mary & St Joseph's time, or using the St Mary & St Joseph's premises or equipment, without prior approval of the Headteacher;

### **4.7 Dress and Appearance**

4.7.1 Staff should ensure that they are dressed decently, safely and appropriately for the tasks that they undertake and that they promote a positive and professional image.

4.7.2 Where dress codes exist in St Mary & St Joseph's these should not discriminate in any way.

#### **4.8 Financial inducements, gifts, hospitality and sponsorship**

- 4.8.1 Staff should ensure that they use public funds entrusted to them in a responsible and lawful manner and that they do not give or receive any gift, loan, fee, reward or advantage, which might be misinterpreted.
- 4.8.2 Although staff should not give or receive gifts from pupils or parents on a regular basis or of any significant value, it is acceptable however for staff to receive small tokens of appreciation, such as at Christmas time.

- staff should not seek or receive preferential rates for themselves by virtue of their dealings on behalf of the St Mary & St Joseph's;
- staff should ensure that gifts are declared if they are received;
- staff should generally only give gifts to an individual young person as part of an agreed reward system;
- where staff do give gifts, they should ensure that they are of insignificant value and given to all children equally.

#### **4.9 Use of St Mary & St Joseph's Time and Facilities**

- 4.9.1 The St Mary & St Joseph's property and facilities (e.g. stationery, computers, photocopiers, mobile phones) may only be used for St Mary & St Joseph's business unless permission for their private use has been granted.

#### **4.10 Publication of Books/Articles**

- 4.10.1 If staff want to publish books, articles, letters, dissertations etc that they have written in connection with their duties and in which they describe themselves as holding an appointment with the St Mary & St Joseph's they must consult the Headteacher.

- staff should speak to the Headteacher if they wish to publish books, articles, letters, dissertations etc, which have been written in connection with their duties and their role within St Mary & St Joseph's.

#### **4.11 Infatuations**

- 4.11.1 In cases where a young person develops an infatuation, there is a high risk of words or actions being misinterpreted and for allegations to be made against staff.

- staff should maintain professional boundaries at all times. They should report to a senior colleague any clear/apparent indications (whether they are verbal, written or physical), that suggest a pupil may be infatuated with them and respond sensitively to such situations in order to maintain the dignity of all parties.

#### **4.12 Social contact**

- 4.12.1 Staff should not establish or seek to establish social contact with pupils to secure or strengthen a friendship. This includes giving any personal details to a pupil such as a home/mobile phone number, home or email address. Only in exceptional circumstances can this be with the prior approval of a senior member of staff.

- Do not give out personal details such as home/mobile numbers, home address or personal e-mail address to pupils.
- staff should always approve any planned social contact with pupils with senior colleagues, for example, when it is part of a reward scheme or pastoral care programme;
- staff should advise senior management of any regular social contact they have with a pupil, where it is apparent that it may give rise to a concern. This can also apply to social contacts made through outside interests or through the staff member's own family.

### **4.13 Physical contact**

4.13.1 It is unrealistic to suggest that teachers should never touch pupils. There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, such as when a distressed pupil needs comfort and reassurance or as an integral part of some lessons such as PE and music (see also behaviour management, section 4.15).

4.13.2 However, innocent actions and appropriate physical contact can sometimes be misconstrued – either by the child or an observer- and it is therefore crucial that staff only initiate physical contact for the minimum time necessary and in ways appropriate to their own role and the needs of the child.

4.13.3 Staff should use their professional judgement at all times. Where feasible, staff should seek the child's permission before initiating contact. Where a member of staff thinks that an incident could have been misinterpreted it should be reported to the Headteacher.

4.13.4 Any formally agreed plan for children with SEN or physical disabilities should be understood and agreed by all concerned, including parents/carers and staff should be provided with relevant information about vulnerable pupils in their care where it is relevant for this to be provided in order for staff to be able to undertake tasks appropriately. If a pupil requires assistance with intimate care needs, the St Mary & St Joseph's Intimate Care Policy should be followed. See 4.21 below.

4.13.5 Extra caution may also be required where it is known that a child has suffered previous abuse or neglect. Many such children are often needy and seek out inappropriate contact, thereby leading staff to be vulnerable to allegations of abuse.

In this regard, staff should:

- be aware that even well intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described;
- never touch a child in a way which may be considered indecent;
- always explain to a pupil the reason why contact is necessary and what form that contact will take;

- look at alternatives, where it is anticipated that a pupil might misinterpret contact and consider involving another member of staff, or a less vulnerable pupil in a demonstration;
- never indulge in horseplay, tickling or fun fights;
- always tell a colleague when and how they offered comfort to a distressed child and record any situations, where they think they may give rise to concern;
- adhere to the St Mary & St Joseph's policy regarding use of reasonable force and be acquainted with DfE advice in respect of physical contact with pupils and guidance about meeting the medical needs of children and young people in St Mary & St Joseph's.

#### **4.14 Showers and Changing**

4.14.1 Children are entitled to respect and privacy when changing clothes or taking a shower.

4.14.2 However, there does need to be an appropriate level of supervision to safeguard young people and satisfy health and safety considerations. Any supervision must therefore be appropriate to the needs and age of the young people concerned.

4.14.3 Staff who are regularly involved in supervising children in changing rooms should read and familiarise themselves with the LA document 'Getting changed for PE and St Mary & St Joseph's Sport'.

- \*staff should avoid any physical contact when children are in a state of undress or any visually intrusive behaviour where there are changing rooms;
- \*staff should announce their intention of entering a changing room and avoid remaining in the room unless pupil needs require it;
- \*staff should not change in the same place as or shower with children.

#### **4.15 Behaviour management and use of reasonable force**

4.15.1 Corporal punishment is unlawful in all St Mary & St Joseph's and physical force should never be used as a form of punishment; to do so is likely to constitute a criminal offence.

4.15.2 However in some circumstances, staff in St Mary & St Joseph's have the right to use physical intervention/reasonable force for the shortest period necessary to control or restrain pupils. The Education and Inspections Act 2006 provides the legal power for St Mary & St Joseph's staff to use reasonable force to prevent pupils from committing a crime or causing injury, damage or disruption.

- staff should try to defuse situations before they escalate;
- staff should keep parents informed of any sanctions;
- staff should adhere to St Mary & St Joseph's policies on Behaviour Management and Use of reasonable force;
- where it is identified that staff are likely to have to use physical intervention on a regular basis they should have received appropriate training.

#### **4.16 Sexual contact with children and curriculum issues**

4.16.1 It is a criminal offence for any adult in a position of trust to engage in any form of sexual activity with a young person under 18, even with their consent (Sexual Offences Act 2003). This also includes non-contact activities such as causing children to engage in or watch sexual activity. Where the young person is aged 18 or over, it is still inappropriate and will be dealt with under the disciplinary procedure.

4.16.2 There may be occasions when, as part of the curriculum, a teacher has to raise subject matter that is sexually explicit. In such situations, any lesson plan should highlight the areas of risk and sensitivity. Staff should respond to questions with careful judgement and avoid entering into inappropriate or offensive discussions about sexual activity.

In this regard, staff should not:

- use their status and standing to form or promote relationships with children, which are of a sexual nature;
- pursue sexual relationships with children and young people either in or out of St Mary & St Joseph's;
- enter into or encourage inappropriate, offensive or discriminatory discussion about sexual activity;
- make sexual remarks to a pupil (including by email, text messages, phone or letter), or use any communication which could be interpreted as sexually suggestive or provocative;
- discuss their own sexual relationships with, or in the presence of pupils;
- discuss a pupil's sexual relationships in inappropriate settings or contexts;
- confer special attention and favour upon a child which might be misconstrued as being part of a 'grooming' process.

#### **4.17 One to one situations and overnight supervision**

4.17.1 When staff work regularly on an individual basis with children, they are generally more vulnerable to allegations.

4.17.2 To avoid such situations arising meetings should, wherever possible, be arranged so that staff are visible and/or audible and not in secluded areas of the St Mary & St Joseph's.

4.17.3 Staff should not arrange to meet a pupil away from the St Mary & St Joseph's premises without good reason, but if this is necessary, only with the expressed approval of parents and a senior member of staff.

4.17.4 However, where a St Mary & St Joseph's makes provision for overnight supervision during exam periods and it is necessary for a pupil to stay with a member of staff in their home, this should only be with the parent's permission and after a full risk assessment has been carried out.

Staff should:

- ensure there is visual access and/or an open door in one to one situations;
- inform other staff of the meeting beforehand, assessing the need to have them present or close by;

- avoid the use of 'engaged' or equivalent signs wherever possible, as they may create an opportunity for secrecy or the interpretation of secrecy;
- always report to a senior colleague any situation which gives rise to complaint, disagreement or misunderstanding or where a child becomes distressed or angry.

#### **4.18 Transporting children**

4.18.1 In such cases where children need to be transported between different locations, a designated member of staff should be appointed to plan and provide oversight of all arrangements.

4.18.2 Wherever practicable, an adult additional to the driver should act as an escort and all arrangements agreed with relevant parties, including pupils, in advance.

All staff:

- should avoid using private vehicles wherever possible;
- must ensure that they have the appropriate insurance (for business use) where they do have to use their private vehicle;
- should ensure that they are alone with a child for the minimum time possible;
- should be aware that a lone pupil should ideally sit in the rear of the vehicle
- should be aware that the safety and welfare of the child is their responsibility until this is safely passed over to a parent/carer;
- should report the nature of the journey, the route and expected time of arrival in accordance with agreed procedures;
- should ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety, taking into account any specific needs that the child may have.

#### **4.19 Educational visits and after St Mary & St Joseph's clubs**

4.19.1 Staff should always take care to have another adult present during out of St Mary & St Joseph's activities, unless otherwise agreed with senior staff. Health and safety requirements should be strictly adhered to.

4.19.2 Staff should ensure that they display professional behaviour during activities that take place off the St Mary & St Joseph's site and ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship. Staff should therefore maintain a professional relationship with pupils at all times.

4.19.3 Where out of St Mary & St Joseph's activities include overnight stays, particular consideration should be given to sleeping arrangements, if applicable and pupils, staff and parents informed of the arrangements in advance.

In this regard, staff should therefore:

- undertake risk assessments;
- have parental consent to the activity;
- ensure that their behaviour remains professional at all times.

#### **4.20 First aid and administration of medication**

4.20.1 In cases where first aid or medication needs to be administered, all staff should adhere to St Mary & St Joseph's Health and Safety policy/Guidance for the Administrations of Medicines.

4.20.2 A health care plan should be drawn up in circumstances where the child needs to take regular medication and any such agreement between the child, parents/carers and the St Mary & St Joseph's must be negotiated, agreed and recorded (See Multi-agency guidance for the management of long term health conditions for children and young people).

4.20.3 Where possible, children should be encouraged to administer the medication themselves, with the permission of parents.

Staff should:

- make other staff aware of the task being undertaken;
- explain to the child what is happening.

#### **4.21 Intimate Care**

4.21.1 All children have a right to safety, privacy and dignity when contact of an intimate nature is required. A care plan should be drawn up and agreed with parents for all children, including those with special needs, who require intimate care on a regular basis.

In this regard staff should:

- adhere to the St Mary & St Joseph's intimate care guidelines;
- make other staff aware of the task being undertaken;
- explain to the child what is happening;
- consult with colleagues where any variation from the agreed procedure or care plan is necessary and record the justification, sharing the information with parents.

4.21.2 A detailed Intimate Care Policy has been produced for St Mary & St Joseph's which should be referred to for further detail.

#### **4.22 Photography, videos and other creative arts**

4.22.1 Many St Mary & St Joseph's activities involve recording images, but the use of such images needs careful consideration and handling. In particular, children who may have been abused in this way may feel threatened by the use of photography and filming.

4.22.2 The use of any images of children for publicity purposes will also require the appropriate consent of the individual concerned and their legal guardians.

Staff should therefore:

- familiarise themselves with the St Mary & St Joseph's Social Networking and IT Usage Policies
- be clear about the purpose of the activity and about what will happen to the photographs when the lesson or activity is concluded;
- ensure consent is gained from the pupil and their legal guardians where being used for publicity purposes;

- ensure that a senior member of staff 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 images of children in their possession;
- never use personal equipment/mobile phones to take images;
- avoid making images in one to one situations;

#### 4.23 Internet use

4.23.1 Accessing child pornography or indecent images of children on the computer is illegal. Under no circumstances should adults in St Mary & St Joseph's access inappropriate images on the internet or access any other site which could call into question the member of staff's suitability to work with children. The same rule applies to the use of the St Mary & St Joseph's equipment by members of staff at home, e.g. use of laptops.

- staff should follow the St Mary & St Joseph's policy on the use of IT equipment;
- staff should follow the St Mary & St Joseph's policy on Social Networking.

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#### Declaration of receipt

I confirm that I have read the Code of Conduct and Guidelines for Safe Working Practice and understand that any unlawful or unsafe behaviour could lead to appropriate legal or disciplinary action being taken.

Name: *(please print)*: .....

Signature: ..... Date: .....

*Please return this slip to your Headteacher as soon as possible*

## Further reference documents

- **Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings**, produced by The National Network of Investigation and Referral Support Co-ordinators, February 2005
- **St Mary & St Joseph's Whistle-blowing Policy**
  - This policy provides the framework by which staff can voice their concerns in good faith about practice within the St Mary & St Joseph's, without fear of repercussion and in accordance with the Public Interest Disclosure Act 1998.
- **Dealing with allegations of abuse against members of staff and volunteers**
  - Aims to ensure that any allegations are dealt with fairly, consistently and quickly and in a way that provides protection for the child, whilst supporting the person who is the subject of the allegation.
- **Department for Education Guidance on Use of Reasonable Force – July 2013**

This is non-statutory advice which is intended to provide clarification on the use of force to help St Mary & St Joseph's staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of St Mary & St Joseph's leaders and governing bodies in respect of this power
- **Education and Inspections Act 2006**
  - Forbids corporal punishment, but allows all teachers to use reasonable force to prevent a pupil from committing a criminal offence, injuring themselves or others, damaging property, acting in a way that is counter to maintaining good order and discipline at the St Mary & St Joseph's.
  - Also provides legal right to confiscate items such as mobile phones and music players.
- **Violent Crime Reduction Act 2006**
  - Allows headteachers (or other St Mary & St Joseph's staff who have been authorised by the headteacher) to undertake searches of pupils where they suspect they are carrying a knife or other offensive weapon).
- **Department for Education Teacher Standards**
  - Sets out the minimum standards for the regulation of the profession which are set out in the St Mary & St Joseph's Teachers' Pay and Conditions Document.
- **What to Do if you are Worried that a child is Being Abused.** Department of Health, December 2006.
- **St Mary & St Joseph's Policies - Behaviour Management, Physical Intervention, Intimate Care, Health and Safety, Getting Changed for PE and St Mary & St Joseph's Sport, IT Usage, Social Networking and Guidance on the Administration of Medicines.**
- **Child Protection Policy**

## **Other legal considerations**

### **Education Act 2002 (section 175/157)**

St Mary & St Joseph's should exercise their functions with a view to safeguarding and promoting the welfare of children.

### **Children Act 1989**

Recognises that the identification and investigation of child abuse together with the protection and support of victims requires multi-agency collaboration

### **Children Act 2004**

Duty on all agencies to make arrangements to safeguard and promote the welfare of children.

### **Public Interest Disclosure Act 1998**

Gives legislative protection for 'whistle blowers' where there is a qualifying disclosure.

### **Sexual Offences Act 2003**

A criminal offence for any adult in a position of trust to engage in any form of sexual activity with a young person under 18, even with their consent.