



Code of Conduct

Reviewed: September 2021

Approved by: Executive Leadership Team

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Introduction

Our Trust Code of Conduct has been created using “Guidance for safer working practice for those working with children and young people in education settings – May 2019,’ Our Code of Conduct should be read in conjunction with the guidance.

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.

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

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

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

Elston Hall Learning Trust expects all of its pupils to receive the highest possible quality of teaching and care within a positive and respectful environment.

We expect all staff to demonstrate consistently high standards of personal and professional conduct at all times. All staff must have regard for the need to safeguard pupils’ well-being in accordance with statutory requirements. All staff should treat pupils with dignity and build positive relationships rooted in mutual respect.

All staff employed under Teacher’s Terms and Conditions of Employment have a statutory obligation to adhere to the ‘Teachers’ Standards 2012’.

This document applies to all staff members who are:

- Employed by Elston Hall Learning Trust and its schools, including the CEO and Executive Leadership Team
- Employed in units or bases that are attached to any of the Trust schools
- Supply staff
- Agency and third-party staff
- Volunteers

All staff must have proper and professional regard for the ethos, policies and practices of our Trust and its schools.

This Code of Conduct should be read and adhered to in conjunction with the following Trust and school policies:

- Child Protection and Safeguarding Policies
- Acceptable use of IT policy
- Health and Safety Policy
- Data Protection Policies
- Equal Opportunities Policy
- Managing Allegations Policy
- Whistleblowing policy
- Behaviour Policy
- Intimate Care Policy

Underpinning principles

- The welfare of the child is paramount
- Staff should understand their responsibilities to safeguard and promote the welfare of pupils
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should work, and be seen to work, in an open and transparent way
- Staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded
- Staff should discuss and/or take advice promptly from their line manager if they have acted in a way which may give rise to concern
- Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation
- Staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children
- Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct prohibition from teaching by the Teacher Regulation agency (TRA)
- Staff and managers should continually monitor and review practice to ensure this guidance is followed
- Staff should be aware of and understand their establishment's child protection policy, arrangements for managing allegations against staff, whistle blowing procedure and the procedures of the Multi-agency Partnership.

Responsibilities and duty of care

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

The Chief Executive / Executive Leaders and Headteachers will promote a culture of openness and support by:

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

Trustees / Governors will:

- ensure that appropriate safeguarding and child protection policies and procedures are distributed, adopted, implemented and monitored

Making professional judgements

Where no specific guidance exists staff should:

- discuss the circumstances that informed their action, or their proposed action, with 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 Headteacher or designated safeguarding lead
- always record discussions and actions taken with their justifications
- record any areas of disagreement and, if necessary refer to another agency, the LA, Ofsted, Teacher Regulation Agency (TRA) or other Regulatory Body

Power and positions of trust and authority

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.

Confidentiality

The storing and processing of personal information is governed by the General Data Protection Regulations 2018 (GDPR) and Data Protection Act 2018.

School Leaders should:

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

Staff:

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

Standards of Behaviour

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

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

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

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

Staff should:

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

Trust and School Leaders should:

- have a clear expectation that staff will discuss with managers any relationship / association (in or out of school or online) that may have implications for the safeguarding of children in school
- create a culture where staff feel able to raise these issues
- safeguard their employees' welfare and contribute to their duty of care towards their staff
- identify whether arrangements are needed to support these staff
- consider whether there are measures that need to be put in place to safeguard children (e.g. by putting arrangements in place to stop or restrict a person coming into school where a potential risk to children has been identified)

The Trust and its Schools must not:

- ask intrusive questions of staff regarding those they live with or have relationships / associations with.

Dress and Appearance

Staff should wear clothing which:

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

Gifts, rewards, favouritism and exclusion

Staff should:

- be aware of and understand their organisation's relevant policies, e.g. rewarding positive behaviour

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

Infatuations and 'crushes'

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

Senior Leaders should:

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

Social contact outside of the workplace

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

Communication with children (including the use of technology)

Staff should:

- not seek to communicate/make contact or respond to contact with pupils outside of the purposes of their work
- not give out their personal details
- use only equipment and Internet services provided by the school or setting
- follow their school / setting's Acceptable Use policy
- ensure that their use of technologies could not bring their employer into disrepute

- not discuss or share data relating to children/parents/carers in staff social media groups

The Trust should:

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

Physical Contact

Staff should:

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

The Trust should:

- ensure they have a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management
- provide staff, on a 'need to know' basis, with relevant information about vulnerable children in their care

Other activities that require physical contact

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

The Trust should:

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

Intimate / personal care

The Trust and its schools 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

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

Staff 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.

Behaviour management

Staff should:

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

The use of control and physical intervention

The Trust 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

Staff should:

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

Staff should not

- use physical intervention as a form of punishment

Sexual Conduct

Staff should:

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

One to one situation

Staff should:

- ensure that wherever possible there is visual access and/or an open door in a one to one situation
- 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

Home visits

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 a one to one situation
- always make detailed records including times of arrival and departure
- ensure any behaviour or situation which gives rise to concern is discussed with their manager

The Trust and its schools should:

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

Transporting pupils

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

The Trust and its schools should seek evidence that:

- the vehicle is safe. This means that it holds a valid MOT certificate, where relevant, that the driver certifies it has been serviced in line with the manufacturer's schedule, and that the driver carries out any pre-use checks specified by the manufacturer
- the driver is suitable. This means that they hold a valid licence for the type of vehicle and meet any employer requirements
- there is a valid insurance policy covering the driver and the vehicle for the intended use. This may require that the driver has 'business use' cover.
- retain evidence of the above with the risk assessment

Educational Visits

Staff should:

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

First Aid and Medication

The Trust and its schools should:

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

Photography, videos and other images

Staff should:

- adhere to their establishment's policy
- only publish images of pupils where they and their parent/carer have given explicit written consent to do so
- only take images where the pupil is happy for them to do so
- only retain images when there is a clear and agreed purpose for doing so
- store images in an appropriate secure place in the school or setting

- ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose
- be able to justify images of pupils in their possession
- avoid making images in a one to one situation

Staff should not:

- take images of pupils for their personal use
- display or distribute images of pupils unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child)
- take images of children using personal equipment
- take images of children in a state of undress or semi-undress
- take images of a child's injury, bruising or similar (e.g. following a disclosure of abuse) even if requested by children's social care
- Make audio recordings of a child's disclosure
- take images of children which could be considered as indecent or sexual

Exposure to inappropriate images

Staff should:

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

Social Media

- Staff must not communicate with parents or pupils on any form of social media, such as Facebook, Twitter, and Instagram etc.
- Staff must NEVER allow the school, Trust, colleagues or children to be identified on social network sites.

Curriculum

Staff should:

- have clear written lesson plans
- take care when encouraging pupils to use self-expression, not to overstep personal and professional boundaries
- be able to justify all curriculum materials and relate these to a clearly identifiable lesson plan

Staff should not:

- enter into or encourage inappropriate discussions which may offend or harm others
- undermine fundamental British values
- express any prejudicial views
- attempt to influence or impose their personal values, attitudes or beliefs on pupils

Whistleblowing

The Trust should:

- have a whistleblowing policy in place which is known to all
- include in the whistleblowing policy how to escalate concerns if they believe that safeguarding arrangements in the setting are not effective, or a child/ren are not being protected
- Ensure staff are familiar with the NSPCC Whistleblowing helpline
- 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

Staff should:

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

Sharing concerns and recording incidents

Staff should:

- be familiar with their establishment's arrangements for reporting and recording concerns and allegations
- know how to contact the LA Designated Officer
- take responsibility for reporting 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

The Trust 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