



SAFEGUARDING CODE OF CONDUCT FOR SCHOOL BASED STAFF

Safeguarding: Code of Conduct for School Based Staff

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KEY FACTS:

- ✦ Policy for all school based employees.
- ✦ Clear guidance on standards of behaviour.
- ✦ Policy based on mutual respect.
- ✦ Avoid contact with students outside school.
- ✦ No member of staff must ever be behind a locked door with a student.
- ✦ Neutral notification is important to ensure schools are safe.

1 Introduction

1.1. Cognita is required to set out a Code of Conduct for all school-based employees.

1.2. This Code of Conduct applies to:

- all staff who are employed by Cognita including those in the Early Years;
- all temporary and agency staff;
- pupils on work experience placements;
- the Proprietor and their representative/s; and
- volunteers working in school.

1.3. This code of conduct should be read and understood in the context of:

- your agreed job description;
- appropriate professional standards, e.g. Teachers' Standards;
- school policies and procedures;
- Cognita policies and procedures; and
- statutory requirements and regulations that apply to schools.

1.4. Our Code of Conduct is designed to give clear guidance on the minimum standards of behaviour all school staff are expected to observe, and the Head should provide this code to all staff on induction and should notify staff of the expectations therein. This document is provided so that members of staff are clear about professional conduct and boundaries. School staff are in a unique position of influence and must adhere to behaviour that maintains public trust in the teaching profession, sets a good example to other staff and to all the pupils within the school. This document is intended to help ensure that Cognita schools are safe places for pupils, provide clarity as regards expectations of staff and avoid potential misunderstandings.

2 Conduct outside Work

2.1. Staff must not engage in conduct (including other employment) outside work which could reasonably be expected to damage the reputation and standing of the school, Cognita or other members of the school community. In particular, criminal offences, especially those which involve violence, possession or use of illegal drugs or sexual misconduct are likely to be regarded as unacceptable and incompatible with continued employment with Cognita. Staff must exercise caution when using information technology, including social networking sites, and be aware of the risks to themselves

and others. Staff may undertake work outside school, either paid or voluntary, subject to their employment contract.

3 Setting an example

- 3.1. All staff who work in schools set examples of behaviour and conduct which may be used as a model by other staff and by pupils. All staff must, therefore, demonstrate the highest standards of conduct. All staff must also avoid behaving in a way that risks giving rise to allegations of abusive or unprofessional conduct. This Code is intended to help all staff to understand what behaviour is and is not acceptable.

4 Exercise of Professional Judgement

- 4.1. This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight, however, some examples of behaviour that is unlawful, inappropriate or inadvisable. There will be occasions and circumstances in which staff have to make decisions or take action in the best interests of the pupil which are not dealt with in this guidance. Individuals are expected to make professional judgements in order to secure the best interests and welfare of the pupils in their charge. Such judgements should always be shared with a senior member of staff, who may inform the child's parent/carer, and a Neutral Notification should be made (see below). Staff should always consider whether their actions are warranted, proportionate, safe and applied equitably.
- 4.2. Although this Code of Conduct gives advice and instruction on how to deal with specific situations, it should not replace professional common sense and good judgement. In all matters relating to pupil/staff relationships, teachers must bear in mind how an action might reasonably be regarded by a third party.
- 4.3. All staff should understand the need to act as good role models for pupils. The school expects its staff to behave in a thoroughly professional manner and to set an example to pupils through high standards of behaviour.

5 Duty of Care

- 5.1. Teachers and other staff are accountable for the way in which they exercise authority; manage risk; use resources; and protect pupils from discrimination and avoidable harm. All staff, whether paid or voluntary, have a duty to keep children safe and to protect them from sexual, physical and emotional harm. Children have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of pupils. Failure to do so may be regarded as professional neglect or misconduct.
- 5.2. A duty of care is, in part, exercised through the development of respectful, caring and professional relationships between staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgement..

6 Relationships in School

- 6.1. Relationships between staff and pupils should be friendly and mutually respectful. This Code has been formulated in order to help staff to maintain this balance. The purpose of the Code is to:
- confirm and reinforce the professional responsibilities of staff;
 - clarify the legal position in relation to sensitive aspects of staff/pupil relationships; and
 - set out the expectations of standards to be maintained within the School.
- 6.2. It is hoped that staff will be reassured by this code. It will, in the vast majority of cases, simply confirm good professional practice. Its purpose is to promote the highest standards of care for pupils and to protect teachers and others from making professional misjudgements and from the potentially devastating consequences of false allegations, without compromising bona-fide school activities.

7 Staff/Pupil/Former Pupil Contact

- 7.1. As a general rule, staff should avoid unnecessary contact with pupils outside school.
- They should not give pupils their home address, mobile or home phone number, or non-school e-mail address without good cause. Thank you letters to pupils or parents should not contain these personal details.
 - They should not make arrangements to meet pupils, individually or in groups, outside school other than on school trips authorised by a senior member of staff, and any unplanned meetings should be the subject of a Neutral Notification (see below).
 - They should avoid contacting pupils at home unless this is strictly necessary; they should keep a record of any such occasion and make a Neutral Notification (see below).
 - They should not attend private pupil parties, and should be aware of their professional standing and responsibilities when attending parties arranged by parents or others at which pupils are also present.
- 7.2. Some students may be reluctant to end the close working relationship they have enjoyed with members of staff. When a student leaves school the professional duty of care ends. However, it is important to continue to maintain professional standards of behaviour. Although current and former pupils may request meetings with staff for help with university applications, gap year advice or references for future careers, these meetings and any associated correspondence should be conducted at school within office hours and in a professional manner.
- 7.3. If you are in any doubt regarding appropriate contact with a current or former pupil you should seek advice from member of the leadership team
- 7.4. Members of staff who are parents of pupils, friends with parents of pupils or who, for example, are voluntary workers in youth organisations attended by pupils, will of course have contact with pupils outside school. However, they should still use their professional judgement to respect the spirit of this Code.

- 7.5. It is accepted that the effective use of technology brings benefits to learning. Adults must ensure that they establish and adhere to safe and responsible practices. All adults must adhere to Cognita's Acceptable Use Policy. Communication between pupils and adults, by whatever method, should take place within clear and explicit boundaries. This includes the wider use of technology and social networking. Adults should ensure that all communications are transparent and open to scrutiny. Adults should be circumspect in their communications with pupils so as to avoid any possible misinterpretation or their motives or any behaviour which could be construed as grooming.
- 7.6. Staff should not be 'friends' with current or recent pupils on Facebook and should avoid other similar links on other social networking sites. Any invitation to become a 'friend' or similar should be politely declined. [If staff have links with former pupils on social networking sites they should ensure that their privacy settings are such as to prevent friends' friends (who may be current pupils) from accessing their profile or other data.]
- 7.7. Email, messaging or use of social media sites between adults and pupils outside agreed protocols may lead to disciplinary and/or criminal investigations.

8 Language

- 8.1. Staff should not swear, blaspheme or use any sort of offensive or inappropriate language in front of pupils. They should not use language which is discriminatory or demeaning in relation to gender (including gender reassignment), religion, race, nationality, ethnicity, sexual orientation, disability or age. Staff should not make sexual innuendos. Discussion of issues of a sexual nature (other than in the context of the curriculum as specified in Schemes of Learning) should be kept to a minimum and only conducted where necessary from a pastoral perspective. Any concerns arising from such discussions should be reported to the [Head/DSL] and a Neutral Notification should also be made (see below).

9 Physical Contact

- 9.1. In nearly all cases physical contact between pupils and staff is inappropriate. The only circumstances where physical contact might legitimately occur are outlined below:

Reasonable Force (see Policy for Physical Intervention with Pupils)

- 9.2. By law, teaching staff may use such force or physical contact as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do any of the following:
- committing a criminal offence;
 - injuring themselves or others; and/or
 - causing significant damage to property, including their own.
- 9.3. This applies when a teacher is on school premises and when he or she is in control or charge of the pupil elsewhere, for example on a field trip or other authorised out of school activity.

- 9.4. Reasonable force is only appropriate where no other form of control is available and where it is necessary to intervene. Any force used must always be the minimum needed to achieve the desired result and must be appropriate for the age, sex and understanding of the pupil.
- 9.5. Before intervening physically a teacher must, wherever practicable, tell the pupil to stop and what will happen if he or she does not. The member of staff must continue attempting to communicate with the pupil throughout the incident and must make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.
- 9.6. Staff must always avoid touching or holding a pupil in a way that might be considered indecent.
- 9.7. Any member of staff who is involved with or witnesses use of force on a pupil must inform the Head immediately following the incident. This is to help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful in the event of a complaint. The member of staff involved must always provide a written report as soon as possible afterwards.

Action taken in self-defence or in an emergency

- 9.8. The law allows anyone to defend themselves or another person against an attack provided they do not use more force than is necessary.

Contact in Other Situations

- 9.9. There are a few situations where physical contact may be proper or necessary. Some physical contact may, for example, be necessary to demonstrate exercises or techniques during PE, drama, music or sports coaching.
- 9.10. All staff must be alert to the possibilities of any contact being misinterpreted. To avoid such misunderstanding, all planned contact must be demonstrably proper or necessary. It may be that alternative methods involving demonstrations of particular techniques by the teacher or a particularly competent pupil may be more appropriate than modifying a pupil's technique by physical contact.
- 9.11. If staff still feel it proper or necessary for physical contact to occur, then the following guidelines must be observed:
 - 9.11.1. Explain the intended action to the pupil.
 - 9.11.2. Do not proceed with the action if the pupil appears to be apprehensive or reluctant, or if you have other concerns about the pupil's likely reaction.
 - 9.11.3. Ensure that other pupils or colleagues are present during the demonstration. Where this is not possible, due to one to one teaching, have a conversation with the Head in advance.If you are at all concerned about anything which has occurred during the demonstration, inform the Head without delay, and make a Neutral Notification (see below).
- 9.12. Touching may also be appropriate where a pupil is in distress and needs comforting or if a member of staff has to give first aid. Staff should be particularly cautious when changing and cleaning young children following a toilet accident and should always have another member of staff present. Staff should use their own professional judgement when they feel a pupil needs this kind of support and should be aware of any special

circumstances relating to the pupil. Particular care must be taken in instances which involve the same pupil over a period of time.

10 Isolation and One-to-One Working

- 10.1. If a teacher is alone with a pupil he/she should ensure that any such meeting or lesson is as visible as possible. As such he/she should ensure that the door to the room has a glass panel or is left open. If this is not possible then another adult must be close by.
- 10.2. Staff working in one to one situations with children and young people may be more vulnerable to allegations. All staff should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure that the safety and security needs of both staff and pupils are met. Heads should undertake a risk assessment in relation to the nature and implications of one to one working. Any arrangements should be reviewed on a regular basis. It may be necessary to amend these to take account of particular pupil needs. This does not mean that working one-to-one is unacceptable; it just requires a proportionate risk assessment.
 - One-to-one meetings or lessons should, wherever possible, take place in public or semi-public places such as classrooms or offices. If in classrooms, ensure you are seated so that you and the child can be seen through the visibility panel in the door.
 - When in a private meeting or lesson with a child or a one-to-one session as occurs with therapists or counsellors, ensure that furniture is positioned to allow easy access into or out of the room and that the visibility panel in the door is not obscured.
 - No member of staff must ever be behind a locked door with a pupil.

11 Relationships

- 11.1. We best serve the pupils in our care by a pastoral approach that is concerned, collective and thorough, but professionally detached. We do not serve pupils or parents well by encouraging situations in which pupils develop excessive reliance on individual teachers.
- 11.2. All teachers have a relationship of trust with all pupils by virtue of their position and the work they undertake. This relationship of trust must not be distorted by fear or favour and those in positions of trust must exercise responsibility as a consequence of the power they have over those they teach and/or care for. Where a relationship of trust exists, allowing a relationship to develop in a way that might lead to a sexual relationship is wrong.
- 11.3. It is unacceptable for a member of staff to have any kind of sexual or intimate relationships/contact with a pupil [or [recent] former pupil] of any age or to encourage such relationships/contact. Such relationships/contact are a breach of trust and professional standards even where the pupil is over 18. The Sexual Offences Act 2003 makes it a criminal offence for a teacher to involve a pupil under 18 in a sexual activity.

- 11.4. There are occasions when adults embark on a course of behaviour known as grooming where the sole purpose is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. Adults should be aware that consistently conferring special attention and favour upon a child might be construed as being part of a grooming process and as such will give rise to concerns about their behaviour.

12 Punishments

- 12.1. All staff must follow the agreed School Behaviour Policy and Anti-Bullying Strategy. Corporal punishment is not acceptable and is unlawful. Staff may not strike or otherwise physically punish a pupil; deprive a pupil of food or drink; enforce food or drink; prevent contact by telephone to parents or any independent listener or helpline; require pupils to wear distinctive clothing, withhold any aids or equipment needed by the pupil or impose any punishment which is intended to distress or humiliate a pupil.

13 Confidentiality and Data Protection

- 13.1. Staff must respect the privacy of pupils, parents and colleagues and must not pass information about, for example, addresses or telephone numbers to others, without checking first with the person concerned.
- 13.2. Information about pupils, parents or colleagues must never be disclosed to telephone enquirers. Staff should ask the enquirer to put the request in writing so that it can be dealt with appropriately.

14 Comments and Discussions with Pupils

- 14.1. Staff must avoid comments to or about pupils which could be taken to have sexual overtones. It is equally unacceptable for staff to encourage debate and discussion between groups of students, which could be interpreted as having sexual overtones, which are not justified in the context of the teaching programme. Schemes of Learning should highlight particular areas of risk and sensitivity. Specific guidance may be needed to assist newly qualified or other teachers who are new to this area of work. This will call for the exercise of careful judgment in responding to questions raised by pupils.
- 14.2. Notwithstanding the advice given above it is recognised that, in order to discharge particular pastoral responsibilities, staff may from time to time need to engage in conversation with pupils which cover sensitive matters. Teachers must use their professional judgement to ensure that they are not drawn into areas inappropriate to their duties or their relationship with the pupils concerned. Staff must also use their discretion to ensure that, for example, any probing for details cannot be construed as unjustified intrusion.
- 14.3. Staff must respect the rights of others and respect those with different beliefs. Staff must not express extreme views without balance on sensitive topics such as sexual orientation or religious belief. The use of sarcastic, demeaning or insensitive comments

towards young people can also be potentially very damaging and must be avoided. In particular staff must not make any racist, sexist, homophobic or otherwise discriminatory comments.

15 Infatuations and Crushes

- 15.1. These unfortunately do develop and can involve pupils and teachers of both sexes on both a heterosexual and homosexual basis. They need to be handled sensitively. Careless and insensitive reactions may cause distress to those involved and have been known to provoke false accusations.
- 15.2. It is in the interests of all parties to avoid adding to the pupil's problems by encouraging the crush or making jokes about the situation. In such situations the advice of a senior colleague must be sought and Neutral Notification made (see below). Other members of staff have a part to play, too, in alerting a colleague to the possibility of an infatuation in order that appropriate steps can be taken to minimise hurt and distress and the risk to the teacher concerned.
- 15.3. Whilst the risk of infatuation is not limited to any particular group of members of staff, new teachers must recognise their particular vulnerability to adolescent infatuation. If a member of staff is concerned that he/she is developing a friendship with a pupil which would have the potential to become an unacceptable relationship, he/she must seek guidance from a senior colleague and make a Neutral Notification (see below), and must ensure that the relationship does not develop further.

16 Out of School and After School Activities

- 16.1. Staff must take particular care when supervising pupils in the less formal atmosphere of a residential setting or after-school activity. The more relaxed relationships that may promote successful activities can be misinterpreted by young people. It is important to emphasise that the standards of professional conduct and behaviour expected of staff outside and after school are no different from those which apply within school. Staff should be aware of the particular care which should be taken with older, more mature students in these circumstances.

17 Transporting Children

- 17.1. In certain situations e.g. out of school activities, staff or volunteers may agree to transport children. A designated member of staff is appointed to plan and provide oversight of all transport arrangements and respond to any difficulties that may arise. Staff should not transport pupils in their own vehicles or alone unless this is unavoidable, in which case specific approval from the designated member of staff should be obtained in advance.
- 17.2. 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 for business purposes and that the maximum capacity is not exceeded. All adults whether staff or volunteers should have satisfactory enhanced DBS disclosure and barred list check.

18 Teaching Materials

- 18.1. The use of books, videos and films of an explicit or sensitive nature, particularly in relation to language or sexual behaviour, must be given careful consideration to ensure that its selection is not subsequently misinterpreted. There must always, therefore, be a clear link with the scheme of work.

19 Personal Letters, Gifts and Electronic Communication

- 19.1. Staff should usually only write letters or send emails to individual pupils about routine matters of academic study or pastoral care, congratulations on recent achievements or other purely professional issues.
- 19.2. Teachers should not give presents to an individual pupil (as opposed to small gifts to a whole group) outside of the school rewards system. If a teacher believes it to be necessary to write a personal note or give a present to an individual pupil, s/he should discuss the purpose and context with a senior colleague, who should refer to the Head if they require further advice. A Neutral Notification (see below) should be made.
- 19.3. All staff using e-mail should be aware of the less formal style that can characterise this form of communication and should ensure that e-mails do not convey an inappropriate tone. Repeated e-mail communication is a particular cause for concern, as it can spiral out of control almost un-noticed by those conducting it.

20 Socialising

- 20.1. Teachers have a professional duty to set a responsible example to pupils. Teachers should not put themselves in a position which may compromise their professional status. Teachers should bear in mind that most students have mobile recording and photographic technology to hand, and the potential this has for comments or actions to be recorded out of context.
- 20.2. On occasions when teachers are socialising in groups, in public locations, it is important that professional standards are maintained and no opportunity is given to pupils to compromise these. If teachers become aware that pupils are socialising in the same venue, staff are encouraged to consider changing their plans. There may be times when this is difficult, for example at a restaurant, and in these circumstances staff are strongly advised to moderate their behaviour accordingly.
- 20.3. Teachers must maintain the highest professional standards at school social events and they must not continue to socialise with pupils after the official finishing time or at alternative locations. Teachers must not drink alcohol on school premises unless at an approved School function.

21 Reporting of Concerns

21.1. Any event which causes a member of staff to fear that a pupil has suffered or is at risk of suffering harm or that another adult has failed to maintain professional boundaries or may pose a threat to children or young people **must** be reported immediately to the Designated Safeguarding Lead (DSL) or in their absence to the Deputy Designated Safeguarding Lead (Deputy DSL). If the allegation or concern involves the DSL or Deputy DSL the staff member should report it directly to the Head. If the allegation or concern involves the Head, the staff member should report directly to the [HR Director or the Director of Education] and the DSL. It is important however to emphasise that any member of staff [parent or student] can refer their concerns to the LADO directly. Please see the Allegations of Abuse Against Teachers and Other Staff Policy for further details.

22 Neutral Notification

- 22.1. There may be occasions where something occurs which is out of the ordinary or which causes a member of staff to have doubts about the behaviour of another adult towards a pupil or another child. It is important that any concerns, or incidents which might give rise to concerns about the conduct of staff, are reported to the Head, however, minor. In the vast majority of cases, there will be a perfectly innocent explanation for what has occurred, and staff should not feel that making a report, or being the subject of a report, will cause them to suffer any detriment or stigma where this is the case. Reporting of these types of concerns is a neutral act, and the Head and Safeguarding Lead will, on receipt of a report, determine how to best approach the issue.
- 22.2. The process for reporting a concern of this nature about safeguarding is called 'Neutral Notification'. This is a procedure for self-reporting or reporting about the behaviour and action of others. Neutral Notification **must** be used by staff to record all events and/or situations which have the potential to be misconstrued or misinterpreted by others; or where they are at all concerned about the behaviour of an adult, not just where it is clear that a role or professional boundary has been broken. The purpose of neutral reporting is to protect both pupils and the staff working with them and allows a system for a simple record to be kept in case events are later referred to or any patterns emerge.
- 22.3. The circumstances in which staff **must** make a Neutral Notification are as follows:
- any incident where s/he feels that his/her actions or behaviour towards a pupil may have been misinterpreted or may have given rise to a risk of misinterpretation;
 - any incident where s/he feels that another adult's actions or behaviour towards a pupil may have been misinterpreted or may have given rise to a risk of misinterpretation;
 - any use by an adult of sexually inappropriate language, references or jokes to a pupil;

- email, messaging, use of social media sites or other communication between adults and pupils outside agreed protocols;
- any unsupervised access to a pupil other than in the context of a planned one-to-one lesson (this would include all one-to-one meetings or discussions, whether related to school work, pastoral issues or other matters);
- any incident of physical contact with a pupil when no one else is present, including when administering first aid or medical treatment, and including physical demonstrations in one-to-one sports coaching, music lessons etc;
- any incident where a member of staff has been alone with a pupil or pupils in a vehicle where this has not been authorised in advance;
- any contact with pupils outside school (other than trivial incidents, e.g. passing a pupil in the street or the supermarket or noticing that they are sitting, separately, in the same restaurant or cinema);
- if a pupil becomes aware of a staff member's home address, mobile or home phone number, or non-school e-mail address;
- if a staff member becomes involved in a close or sexual relationship with a former pupil, regardless of the age of the pupil;
- the fact of, and explanation for, unsupervised access to a student on schools trips;
- non-trivial illnesses or accidents of pupils on school trips;
- any incident where, for whatever reason, a member of staff has not complied with this Code of Conduct.

22.4. This is not intended to be an exhaustive list. Anything which causes staff to have a 'nagging doubt' about the way in which other adults behave or interact with pupils **must** be notified, in order to protect both pupils and the members of staff involved.

22.5. The Neutral Notification system is intended to enable staff to self-report, as well as to make notifications about other staff members. It is accepted that there are occasions when school staff, as professionals, have to make decisions to act in a particular way in order to protect the health, safety and welfare of their pupils. This may, in some cases, put the adult in a vulnerable position and cause the adult, with hindsight, to consider that on reflection they might not act in the same way in a similar situation. In this scenario, staff **must** make a Neutral Notification.

22.6. Neutral Notifications may be made in person or on the Neutral Notification Form to the Safeguarding Lead or Head. If the notification is made in person in the first instance, staff may be required to complete a Neutral Notification Form later. The Safeguarding Lead will record all Neutral Notifications centrally as part of a single record, and obtain the advice of the local authority as necessary.

22.7. A staff member who makes a Neutral Notification, or a more serious allegation, in good faith will suffer no detriment as a result, and will benefit from the protection set out in the Whistleblowing Policy. Failure to make a Neutral Notification may, however, constitute misconduct and require the implementation of the Disciplinary Procedure.

APPENDIX 1

Confidential: Neutral Notification Form

School name	
Name of person completing form	Date
Form handed to (name and role)	

Please circle	<input type="checkbox"/> Self-report	<input type="checkbox"/> Report about other
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Notification: Include relevant background (continue on separate sheet and number each page)

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