



## **Codes of Conduct**

(Section 10 of the Schools Personnel  
Guidelines)

**April 2009**

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## Introducing Codes of Conduct

### 1. Status

- 1.1 The School Staffing (England) Regulations 2003 (issued under the Education Act 2002) obliges all schools to put in place published procedures relation to matters of staff misconduct. This statutory obligation is supported by ACAS Codes of Practice, now incorporated in the Employment Rights Act and the Employment Acts. A published Code of Conduct for all school employees would support this obligation, in that it seeks to establish a common core of fundamental values that should underpin standards of conduct in a school. Being in public service can seem to employees to be like being in a minefield of "do's and don'ts". The purpose of any Code of Conduct is to help employees to understand what is expected of them. It applies to everyone employed by the school, and covers general standards of behaviour relating to people, finance, contracts for work, and relationships.
- 1.2 A Code is also to be commended in that it helps employees understand what constitutes good conduct. Good conduct not only helps to promote good relations with customers and clients but also helps protect employees (for example by not leaving individuals unaware what is required and open to criticism or disciplinary or legal action).
- 1.3 A Code/Codes should be provided to everyone who is employed so that they know what is expected of them and are treated fairly. Everyone is a valued and trusted employee so it is crucial that everyone understands how important it is to adhere to the standards of conduct set out in the Code, as a breach of these standards could lead to disciplinary action. A serious, or repeated, breach could even lead to dismissal.
- 1.4 This guidance document is designed to support the implementation and operation of an effective Code based on the legislative framework. This School Personnel Guideline can therefore be adopted in its entirety or alternatively used to review the procedures already in place at a school.
- 1.5 This guidance applies equally to all staff within a Community school, if adopted by governors. The local teaching unions have expressed concern about the application to their members of provisions relating to politically restricted posts, and as local government law in this matter is different with regard to teachers, all such provisions relating to political neutrality as a re contained in the Code are not applicable to teachers, or deputy head teachers or head teachers.
- 1.6 A model Code for Calderdale schools, adapted from the recently revised Calderdale Council Code of Conduct, is provided at Appendix

1. If adopted as school policy it is strongly 1.8 New staff in schools often ask for practical guidance about child protection and which behaviours constitute safe practice and which behaviours should be avoided. This further Code has been produced in response to these concerns. It seeks to ensure that the duty of care towards pupils and staff is promoted, by raising awareness of illegal, unsafe and unwise behaviour. It is hoped that it will also assist experienced staff to monitor their own standards and practice. This Code also sets out to school employees clear messages as to what they need to do to work safely, and proscribes such unlawful or unsafe behaviour as will not be tolerated or where legal or disciplinary action is likely to result.

- 1.9 Governors of Foundation and Voluntary Aided Schools will have to make a formal decision as to whether to adopt the Model Codes provided as attachments to this School Personnel Guideline. It is strongly recommended that they either adopt these models, or develop their own equivalent guidance for staff, covering the same matters,
- 1.10 Schools should also be aware of professional standards of conduct specifically in relation to teachers. These are set out in the General Teaching Council's Code of Conduct and Practice.

## **2. Introduction: developing school codes of conduct**

- 2.1 In 1975 a national Code of Local Government Conduct was issued as a guide on conduct to local authorities in England, Wales and Scotland. However, by 1997 the national Code had become a very detailed and complicated document, and the government accepted a recommendation to make a fresh start, which would give greater responsibility to local government itself for devising and regulating standards of conduct, within a framework that would give consistency of standards and proper enforcement. The Local Government Act 2000 therefore provided for the Secretary of State to specify a national Code of Conduct for relevant local government employees after suitable consultations had taken place. By virtue of section 82(7) of the 2000 Act, once an order containing the employee's Code was made, these standards would be deemed to have been incorporated in employees' terms and conditions of employment. The employing authority or school, therefore, could deal with any breaches of the Code in the same way as any other breaches of employees' contracts or terms and conditions.
- 2.2 Local provisions for an employee Code of Conduct have always been a matter for local authorities although various national terms of conditions of various types of employee have, historically, included elements of conduct-related material. Also, the Local Government Management Board produced a model Code of Conduct in 1994, on which many Local Authority Codes, including Calderdale's, are based.

- 2.3 However, Local Management of Schools means that some schools will apply a local Code, as a result of local adoption by governors, whilst others will not. In Calderdale the recently revised Code of Conduct said “this Code will only apply to teaching and other school based employees who come under the auspices of school governors if the governors determine that it should”. On the above basis the booklet containing the Council’s Code was supplied in recent years by Calderdale Personnel Services to new starters in all maintained schools.
- 2.4 Calderdale Council, at a meeting on February 2007, approved a revised local Code of Conduct, intended for all its non-teaching employees. The previous Code was revised for three reasons. Firstly, revisions were made in response to actual and proposed changes to the legislative framework. Secondly, the Local Authority sought to promote equality concepts amongst its workforce, which it wanted enshrined in its Code of Conduct. Finally, a need had been identified for the local Code to specifically cater for the protection of children and vulnerable adults. New booklets containing the revised Code are to be produced in 2008.
- 2.5 The Calderdale Code is designed to safeguard the interests of the Authority by informing and protecting all its employees during the course of their employment, and to the extent the Code is more concerned with mutuality of obligation implicit in all contracts of employment, including teachers, it was agreed that Calderdale’s Code would be re-visited in consultations with teaching unions with the view to ‘further developing the local Code, in light of local considerations’.
- 2.6 On the issue of politically restricted posts and teachers, there are specific provisions on the ability to be an employee and a Local Councillor in the same authority set out in sections 80, 81 and 116 of the Local Government Act 1972. The wider concept of political restrictions is set out in the Local Government and Housing Act 1989. This has the effect of denying a political life to certain Local Authority employees defined by function or salary level (subject to rights of appeal to an independent adjudicator). However, there are exemptions for teachers, head teachers and lecturers in section 2 (10). So in this regard, teachers posts are not ‘politically restricted’. The Model School Code of Conduct Schools reflects this exemption of teachers, etc and it is not proposed that any employees on teachers’ conditions of service in school based posts be politically restricted.

## **Appendix1: A Model Code of Conduct in Calderdale Schools**

### **1. Accountability**

- 1.1 An employee must be accountable to the school for his or her actions. The code sets out minimum standards expected from employees and provides a framework preventing misunderstandings or criticism. All employees must keep to the standards of this code and carry out their duties fairly and honestly.
- 1.2 Breach of these standards is a serious matter and may result in disciplinary action, up to and including summary dismissal depending on the circumstances.

### **2. Honesty, integrity, impartiality and objectivity**

- 2.1 An employee must perform their duties with honesty, integrity, impartiality and objectivity.
- 2.2 School employees are expected to give the highest possible standard of service to the school, and where it is part of their duties, to provide appropriate advice to the head teacher, school governors and fellow employees with impartiality. An employee must treat others with respect, not discriminate unlawfully against any person and should treat everyone professionally.
- 2.3 Employees must report to their manager or head teacher any impropriety or breaches of this Code, or school policies, financial and other regulations or criminal offences they become aware of relating to school employment. Alternatively, school employees can use Calderdale Local Authority's 'Fraud Hotline' which is a confidential direct 'phone line to the Local Authority's internal Audit Section (telephone no. 01422 393568), who will act independent of school management to investigate all referrals of suspected fraud and corruption in maintained schools.
- 2.4 Employees are encouraged to report all concerns they may have regarding fraud and corruption. This applies not just to acts perpetrated by school employees, but any fraud and corruption suspected as being perpetrated against the school by non-school employees. Schools are encouraged to develop a separate Whistleblowing Policy.
- 2.5 The public is entitled to demand of a maintained school employee conduct of the highest standard and public confidence in their integrity which would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives.

- 2.6 Under the provisions of this Code of Conduct an employee who is charged with a criminal offence of any nature must declare the fact of any such charge to their line manager or head teacher immediately. There is no presumption that the school would need to take any action. However, it is in the nature of working in a school that the acts of an employee outside the school in a private capacity can have a detrimental effect on the reputation and standing of the school in the community, and therefore such acts may need to be discussed with the school. Whilst certain driving offences do not fall into this category, if they result in a conviction or caution, they should be reported.
- 2.7 The contract of employment is essentially based on trust. That trust would be damaged if an employee:
- i. were not truthful and honest in their dealings with the school, its various clients and customers, or with colleagues and managers;
  - ii. sought to deceive the school by withholding information, giving false information, or destroying, damaging or altering any records or documents without proper authorisation;
  - iii. misrepresent the school in their dealings with others or make any statement on behalf of the school which they are not authorised to do (e.g. giving a reference for a colleague on behalf of the school, or making statements to the press or other media);
  - iv. fail to respect and uphold the conditions of service of their fellow employees, or school personnel policies procedures and agreements;
  - v. commit any act of misconduct or breach of their employment terms.

### **3. Political neutrality**

- 3.1 Employees in Community Schools, whether or not politically restricted (see relevant section in the guidance document), serve the people of the Borough and must follow every lawful expressed policy of the Local Authority and must not allow their own personal or political opinions to interfere with their work.

### **4. Safeguarding children, young people & vulnerable adults**

- 4.1 The school is committed to protecting children, young people and vulnerable adults in Calderdale from harm.

- 4.2 All workers (employees, supply staff, contractors and their staff) are expected to safeguard any child, young person or vulnerable adult who comes to their notice, where it is felt that they are suffering significant harm. The aim of this is to ensure that all workers:
- i. understand their personal responsibility for protecting the children, young people or vulnerable adults that they work with;
  - ii. are able to take appropriate action if there are suggestions that a child, young person or vulnerable adult is being abused are informed and able to respond in a helpful manner to any child, young person or vulnerable adult who alleges or discloses that abuse is happening.

## **5. Diversity and equality**

- 5.1 All school employees should ensure that policies relating to equality issues as agreed by the governing body are complied with in addition to the requirements of the law. All members of the local community, customers, contractors, members of the local community and other employees have a right to be treated with fairness and equity.
- 5.2 The school therefore looks to all of its employees to play a part in making sure that it meets its commitments and provides a high quality service fairly and equitably to the whole community.
- 5.3 All employees are required to treat colleagues and the public in a fair and equitable way, avoiding unfair discrimination in any form and anything that would demean, distress or offend other people.
- 5.4 The school takes these commitments very seriously and any deliberate act of discrimination or other serious breach of the policy by school employees may lead to disciplinary action being taken.
- 5.5 Some examples of unacceptable behaviour are:
- i. displaying offensive sexist or racist material or wearing T-shirts or other clothing, badges or tattoos which convey an offensive message;
  - ii. making racist comments;
  - iii. making sexually suggestive or sexist remarks;
  - iv. making negative comments about a person's disability.

- 5.6 Employees must not harass or discriminate against people they meet in the course of their work, particularly on grounds of:
- i. nationality;
  - ii. race;
  - iii. gender;
  - iv. disability;
  - v. Union activities;
  - vi. faith or religious beliefs;
  - vii. sexual orientation;
  - viii. marital status;
  - ix. HIV status;
  - x. age;
  - xi. political beliefs.

**6. School employees' relationships with the local community and service users**

- 6.1 School employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the school. No part of the local community should be discriminated against.

**7. School employees' relationships with contractors**

- 7.1 Orders and contracts must be awarded in accordance with all current Contract Procedure Rules, as applicable, and no special favour should be shown to businesses run by, for example, former employees or employers, friends, partners or relatives in the tendering process.
- 7.2 Employees should ensure that no favour is shown to current or recent former employees or their partners close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 7.3 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with

contractors, should declare that relationship to their manager/head teacher.

## **8. Appointment of staff**

- 8.1 Employees involved in appointments should ensure that they are complying with the School Guidelines on Recruitment and Selection and that all appointments are made on the basis of merit. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post.
- 8.2 In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship with him or her. Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, or with whom they have a close personal relationship.

## **9. Openness**

- 9.1 It is generally accepted that openness in the governance of schools is for the best. Education and other legislation requires that certain types of information must be available to governors, auditors, the Local Authority, the relevant government department, service users and the public. However, school employees must be aware within their own sphere of activity which information the school holds confidential and act accordingly.
- 9.2 A school employee must also be aware of and respect the confidential nature of the personal information obtained by them in the course of their duties and must not disclose any such information to another employee of the school without good cause.
- 9.3 Employees' primary duty is to the school and therefore they should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 9.4 Disclosure of confidential information to any person or agency outside the school must comply with the provisions of Data Protection and of Freedom of Information and should only take place with the express permission of the employee's manager or the head teacher, depending on the nature of the information and the identity of the outside person or agency, other than where required by the law.
- 9.5 Information regarding an employee of the school must not be released outside the school without the employee's written permission unless

they have a clear duty to do so, or there is an overriding principle, e.g. child protection.

- 9.6 If to any degree the work of an employee of the school involves the gathering, collation, processing, inputting, extraction or any other form of manipulation of personal information relating to any individual person, whether a pupil, member of the public or an employee and such personal information is held or is intended to be held on any computer system operated by the school, such an employee must ensure that they take appropriate advice and ensure that information is provided having regard to the employee's responsibilities under the Data Protection Act 1998.
- 9.7 School customers, certain suppliers and employees are entitled to protection of their privacy. The Data Protection Act 1998 imposes a legal duty on individuals. Employees must keep all personal data confidential, whether computerised or manually held, and comply with the law and school Data Protection policies. If an employee works with computerised or manually held information systems, they must ensure that information about living, identifiable people is accurate and up to date and that it is kept confidential.

## **10. Personal Interests**

- 10.1 School employees must declare to their manager/head teacher any financial interests which could conflict with the school's interests. The head teacher must inform the chair of governors of all such declarations made. A central register of such declarations shall be maintained by the governors.
- 10.2 Employees must declare to their manager/head teacher any non-financial interests that they consider could bring about conflict with the school's interests.
- 10.3 Employees should declare to their manager/head teacher membership of any organisation not open to the public without formal membership and having a commitment of allegiance and which has secrecy about rules or membership or conduct. The governors shall maintain a register of any such declarations, which shall be open to inspection by the public on request.
- 10.4 An employee with an actual or potential personal interest in any work related matter arising during their employment with the school must immediately inform their manager/head teacher in writing the actual or potential personal interest and also take any appropriate steps necessary to maintain the integrity of the school. A pro forma for recording such a declaration is attached at Appendix 2. The employee's manager/head teacher must record the declared personal interest and should arrange for another employee to handle the matter.

- 10.5 For these purposes a personal interest of a spouse or partner or any other relative or any person with whom they have a close personal relationship is deemed to be a personal interest of the employee.
- 10.6 For the purposes of the Copyright Design and Patents Act 1988 (as amended), any creation of copyright material, registerable design or design right arising from an employee's employment with the school, the school is deemed to be the author or proprietor respectively of any such copyright material, registerable design or design right. The provisions of the Patents Act 1977 will apply in the case of patentable discoveries arising from an employee's employment with the school.

## **11. Registration of Interests**

- 11.1 At work or during off duty hours an employee of the school must not subordinate their duty to their private interests or put themselves in a position where their duty and their private interests conflict.
- 11.2 No off duty employment, required to be approved by the school or otherwise, or any other activity must conflict with or react detrimentally to the school's interest or in any way weaken public confidence in the conduct of the school's business. If there is any doubt in the employee's mind as to whether a conflict does or does not exist they should always seek their manager/head teacher's approval.
- 11.3 There is always a potential for conflicts of interest arising when employees undertake more than one employment. It is incumbent on the employee to bring to the attention of the head teacher any and all such employment. If the head teacher takes the view that the other employment is, or has become, incompatible with employment in the school, the head teacher must inform the employee in writing of that view and afford the employee the opportunity of giving up their secondary employment, or objecting to the finding, if necessary through the school's grievance procedure. External employment which continues beyond the exhaustion of the grievance procedure may lead to the initiation of disciplinary action against the employee. Teachers and support staff on Scale 6 and above are required by this Code to inform their head teacher. Support staff on Scale 6 and below who wish to undertake outside work must also not have a conflict of interest, and, in accordance with Working Time Regulations, no category of staff in schools if in multiple employment, must work more than an average 48 hours each week over any 4-week period .
- 11.4 Publishing and lecturing and/or interview fees, book royalties or earnings, arising from what might be considered normal duties in the school are dealt with in accordance with policy on such fees. An example might be the publication of teacher plans or resources for a series of school assemblies,

- 11.5 The Local Authority policy on the earning of fees, etc is:-
- i. If the publication is prepared and written or the lecture is prepared and delivered in work time, the lecturing or publication fee is to be paid to the employer.
  - ii. If the publication lecture is either prepared or delivered in work time the employee receives half the fee and the employer the other half.
  - iii. If the employee chooses to take some form of leave, they keep the fee provided the preparation is not done in work time
- 11.6 However, in cases where the employee is representing the view of the school; or speaking on issues that are directly connected with their work, the whole fee to be paid to the employer.
- 11.7 School staff who do tutoring, consultancy work, writing, marking or work as an Ofsted inspector, so long as the work and preparation is not done in work time may keep the fee. They should, however, bear in mind what is said above on the matter of conflicts of interest.

## **12. Whistleblowing**

- 12.1 The School has adopted or developed a Whistleblowing policy, which is available to employees. The Whistleblowing policy reflects the school's commitment to good practices, valuing staff and seeking continuous improvement in service delivery. The "Whistleblowing" policy provides a mechanism whereby employees can express any concerns they may have about a colleague or an issue, without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable employees to raise concerns within the school rather than overlooking these concerns or "blowing the whistle"
- 12.2 Employees can sometimes have concerns about colleagues or about an issue, but they may not feel able to express those concerns, because they feel that speaking up would be disloyal to their colleagues or to the school. Employees are encouraged to use the procedure set out in the school's Whistleblowing policy to raise concerns within the school and to receive feedback on any action taken.

## **13. Stewardship**

- 13.1 School employees must ensure that they use public funds entrusted to them in a responsible and lawful manner ensuring that the provisions of school policies, financial regulations and financial procedures are complied with in full. They should strive to ensure value for money to the local community and to avoid legal challenge to the school.

13.2 An employee should not use any school equipment, stationery, material or any other facility for his or her own private purposes. An exception to this is where the express consent of the employee's manager/head teacher has been given for the use of such facilities in connection with attendance on an approved course of study. A further exception is where the consent of the manager/head teacher has been obtained and payment is made by the employee for the use of school facilities. Any such use must not have any degree of commercial application for the benefit of the employee or any third party.

#### **14. Gifts and bequests**

14.1 Staff in schools should be aware of existing school or Local Authority guidance including arrangements for the declaration of gifts received and given. It is against the law for public servants to take bribes. Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

14.2 Any attempt by any extraneous person or organisation to offer an employee of the school any gift, loan, fee, reward or advantage in circumstances that could possibly to any degree be seen as being made as a bribe must be immediately reported by the employee to their manager/head teacher. The manager/head teacher must immediately report any such attempts they have been notified of to the chair of governors.

14.3 There are occasions when children or parents wish to pass small tokens of appreciation to staff e.g. at Christmas, or as a thank-you, and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value. Similarly, it is inadvisable to give such personal gifts to pupils. 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 young person should be agreed practice within the establishment, consistent with the school's behaviour policy, recorded and not based on favouritism.

14.4 School employees should ensure that gifts received or given in situations which may be misconstrued are declared, should generally only give gifts to an individual young person as part of an agreed reward system; and where giving gifts other than as above, should ensure that these are of insignificant value and given to all children equally.

14.5 Employees must declare to their own manager/head teacher all other gifts than above received or offered, in the course of or in relation to their employment. The head teacher must maintain a written record of any such gifts received and make arrangements for the retention,

return, or disposal to the school's or public's benefit of the gift and officially record the action taken as a permanent record.

- 14.6 An employee of the school who becomes aware that they are a beneficiary or potential beneficiary of any gift, legacy or bequest from the estate of a client of any school service with whom they have had official contact with during any period of their employment with the school, must declare to their manager/head teacher immediately. The manager/head teacher will interview or arrange for a governor to interview the employee to establish that the reputation, integrity or good standing of the school has not been put at risk by acts or omissions of the employee that were or could be seen to be undue influence on the client. If the manager/head teacher considers that the reputation, integrity or good standing of the School has been put at risk, disciplinary action will ensue.
- 14.7 An employee of the school must not assist, advise or otherwise become involved in a client's personal financial arrangements domestic or otherwise unless such involvement is a recognised and authorised duty of the employee's current post.
- 14.8 The following is a non-exhaustive list of examples of the more common forms of gifts with an indication only of the propriety of acceptance or otherwise of such gifts.
- i. Promotional work related gifts (with a value of £10 or less), preferably marked with the donor's name are generally acceptable, provided that the gift is to be used at work, examples could be:-
    - diaries
    - calendars
    - pens
    - blotters
    - rulers
    - other low value stationery used as promotional gifts
    - token gifts given at the completion of an official courtesy visit.
  - ii. Low value gifts that are not used at work are generally unacceptable and should be refused, examples could be:-

- discounts on items for personal use
- bottles of spirits, wine or beer for personal use
- promotional gifts for personal use

14.9 Under no circumstances may gifts of cash to an employee of the school by any extraneous person or organisation be accepted.

## **15. Separation of roles during tendering**

15.1 School employees involved in any tendering process including any internal tendering process should be clear on the separation of client and contractor roles as agreed by the school. Managers who have both a client and contractor responsibility must be aware of the need for accountability and openness.

15.2 Employees who regularly have dealings with suppliers or contractors must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

15.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

## **16. Hospitality**

16.1 Hospitality should only be accepted if it is important to the business of the school. There is a clear difference between authorised attendance in an official capacity at a function, for example organised by another school, Local Authority or other public body, and the acceptance of hospitality from a private individual or private sector company with an actual or potential commercial interest with the school.

16.2 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the school in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the school should be seen to be represented, or when it is important to the business of the school. They should be properly authorised and recorded.

16.3 It will not, however, always be courteous and in the best interests of the school to reject offers of hospitality on a modest scale. Invitations may be accepted provided that no offence is caused to the integrity of the school and the financial value of the hospitality is reasonable. Before any invitation may be accepted the approval of the employee's manager/head teacher must be given. The manager/head teacher

must maintain a written record of all offers of hospitality which have been accepted by members of the school.

- 16.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, and where any purchasing decisions are not compromised. Where visits to inspect equipment etc are required, employees should ensure that the school meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 16.5 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the school may be taking affecting those providing the hospitality.
- 16.6 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the school.
- 16.7 Where by force of circumstances the approval of an employee's manager/head teacher cannot be reasonably obtained, an employee may accept an invitation where having regard to all the circumstances, they believe and have reasonable grounds for believing that the consent of their manager/head teacher would be given. It is the responsibility of the employee to seek retrospective approval in all cases and to establish, if asked, why the consent of the manager/head teacher could not be obtained, what reasonable grounds they relied on and what justified acceptance. A written record must be maintained by the manager/head teacher.
- 16.8 Nothing above prevents an employee of the school offering a contractor or supplier reasonable hospitality at the expense of the school, provided that all the circumstances justify doing so and the prior consent of the employee's manager/head teacher has been obtained or force of circumstances. A written record must be maintained by the manager/head teacher
- 16.9 Hospitality will be generally acceptable if it is important to the business or objectives of the school or the work of its employees, examples could be:-
  - i. low value working lunches, dinners, and breakfasts;
  - ii. attendance at formal dinners, receptions, sporting events, theatres, local cultural events, where such events form part of the life of the community and the school should be seen to be represented as a part of the community.

16.10 Hospitality will be unacceptable if its essential nature is social with no or limited relevance to the objectives of the school or the work of its employee's examples could be:-

- i. cabaret evenings and other forms of entertainment;
- ii. free or discounted holiday accommodation.

## **17. Sponsorship – giving and receiving**

17.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a school activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

17.2 Where the school wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the school through sponsorship, or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **18. Application of this code to managers, deputy head teachers and head teachers**

18.1 If for any part of this Code the employee is a manager, deputy head teacher or head teacher, all references to manager or head teacher refer to the head teacher, or chair of governors, as appropriate.

## **19. Politically restricted posts**

19.1 The Local Government and Housing Act 1989 imposes restrictions on public political activities by certain staff of local authorities by disqualifying them from becoming or remaining an elected member of a Local Authority and from standing as a candidate for election as an MP or MEP. The restrictions are applied either because of the grade of the post or the political sensitivity of the work. They apply to:

- i. a few specific Local Authority posts, not in schools, that a Local Authority is required to have;
- ii. all posts exceeding a prescribed salary rate, at present spinal column point 44, subject to the right to apply for exemption; and
- iii. any post below that grade which appears to the Authority to be politically sensitive. Sensitivity is determined by considering whether the postholder is involved in giving politically sensitive

advice on a regular basis to the Local Authority or a Local Authority Committee, or speaking on behalf of the Local Authority on a regular basis to the press. This designation is also subject to the right to apply for exemption.

- 19.2 Such political restriction does not apply to teachers, deputy or assistant head teachers or head teachers.

## Appendix 1: EMPLOYEE GENERAL DECLARATION

### (GUIDANCE AND PRO FORMA)

#### THIS DECLARATION WILL BE AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC

#### Only one declaration per sheet is to be made

Explanatory Note: The schools has adopted a Code of Conduct for its employees. Under the provisions of the Code a number of matters are required to be declared by an employee. Paragraphs 1, 4 and 7 of the Code refers.

An **example** of the declaration of an employee interest is set out below

Name: J Smith

Post: PA to head teacher

School: Everyman High

Nature of Declaration/Code of Conduct Paragraph: Paragraph 4 - Relationship with Contractor

Extent of Declaration: My partner's brother has been employed as Contracts Manager for Joe Bloggs Ltd since 2000. Joe Bloggs Ltd has been included in the school's Approved List of Contractors since August 2006.

Certification: I certify that the above declaration is true and that to my knowledge no material omissions have been made.

Signature of Employee Making Declaration:

Date of Declaration:

Initials and Name of Authorising Manager:

## GENERAL DECLARATION PRO FORMA

Ref:

Name:

Post:

School:

Nature of Declaration/Code of Conduct Paragraph:

Extent of Declaration:

Certification: I certify that the above declaration is true and that to my knowledge no material omissions have been made.

Date of Declaration:

Signature of Employee Making Declaration:

Initials and Name of Authorising Manager :

## **Appendix 2: POLITICALLY RESTRICTED POSTS- APPEAL FOR AN EXEMPTION**

With regard to an appeal for an exemption by an employee, the following procedure should be followed.

1. The employee should write to the school governors outlining their reasons for wishing to be exempted from being politically restricted.
2. Governors to consider the request, whether it has any impact on their jobs, clashes of interest etc.

In Community and Voluntary Controlled Schools a short report should then be prepared and sent to the Chief Law and Administration Officer (the Monitoring Officer for the Council) together with the employee's request and their job description.

Foundation and Voluntary Aided Schools should seek legal advice.

3. The Chief Law and Administration Officer will consider whether or not to support this request and fill in the Certificate of Opinion on behalf of the Council.
4. The Certificate of Opinion will be sent to the employing school who will forward this to the individual with a standard letter, their job description and an Application Form IA1 (copy attached) so the employee can apply for exemption to the Adjudicator.
5. If an employee is granted an exemption, they need to ensure that their service and the Head of HR and Change is informed so that Calderdale Council's list of exempted posts can be amended.

### **Appendix 3: Standard Letter to Employee Requesting Exemption from Politically Restricted Post**

Dear

**Re: Politically Restricted Post – (Title of Post)**

Thank you for your letter of ..... seeking exemption from political restriction because *(the reason that the post is politically restricted either the salary or giving advice)*.

In accordance with the procedure, I am required to give you:-

- a) A Certificate of Opinion from the Council detailing whether or not your post is considered politically sensitive (enclosed).
- b) A Job Description for your post (enclosed).
- c) An Application Form IA1 (enclosed).

If you still wish to proceed with seeking exemption from political restriction, please complete the enclosed A1 form and then send the form, together with your Job Description and the Certificate of Opinion to:-

The Independent Adjudicator  
Local Government Sponsorship Division  
Office of the Deputy Prime Minister  
Zone 5/A1 Eland House  
Bressenden Place  
LONDON SW1E 5DU

Yours sincerely

**Appendix 4: Form IA1**

**APPLICATION FORM FOR EXEMPTION FROM POLITICAL RESTRICTION  
FOR POSTHOLDERS IN POSTS DEEMED POLITICALLY RESTRICTED  
UNDER THE LOCAL GOVERNMENT AND HOUSING ACT 1989**

1. NAME: \_\_\_\_\_

2. ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. TITLE OF POST: \_\_\_\_\_

4. SCHOOL: \_\_\_\_\_

5. SALARY: \_\_\_\_\_

6. ANY INFORMATION THE POSTHOLDER MIGHT LIKE TO GIVE IN  
SUPPORT OF HIS/HER APPLICATION:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. DOES THE APPLICANT INTEND STANDING AS A CANDIDATE IN A  
FORTHCOMING ELECTION?

\_\_\_\_\_

\_\_\_\_\_

## **Appendix 5: Model School Code on Safe Working Practice for the Protection of Pupils and Staff in Schools**

This Model Code is adapted from the Code *Safe Working Practice for the Protection of Children and Staff in Schools*, published in 2005 by the National Network of Investigation and Referral Support Co-ordinators.

### **1. Definitions contained in the safe working code**

- 1.1 Throughout this Code references are made to "children", "young people" and "pupils". These terms are interchangeable. All refer to children under the age of 18 years.
- 1.2 References to "staff" or "adults" include teachers, other staff, governors, volunteers, and anyone working in or on behalf of the school or the Local Authority, in either a paid or unpaid capacity.
- 1.3 The term "allegation" means any information that suggests an adult has caused or may cause hurt or harm to a child or young person.

### **2. Overview of the safe working practice**

- 2.1 The vast majority of adults who work with children in schools and education settings act professionally. They seek to provide a safe and supportive environment, which secures the well-being and very best outcomes for children and young people in their care. It is recognised that achieving these aims is not always straightforward. Much relies on pupil and staff interactions, where tensions and misunderstandings can occur. It is here that staff behaviours can give rise to allegations being made against them. Allegations may be genuine, malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.
- 2.2 New staff in schools often ask for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided. This Code has been produced in response to these concerns. It seeks to ensure that the duty of care towards pupils and staff is promoted, by raising awareness of illegal, unsafe and unwise behaviour. It is hoped that it will also assist experienced staff to monitor their own standards and practice.
- 2.3 The Code also gives employees a clear message that unlawful or unsafe behaviour will not be tolerated and that where appropriate, legal or disciplinary action is likely to follow.
- 2.4 Whilst every attempt has been made to cover a wide range of situations, it is recognised that any such guidance cannot cover all eventualities. There may be times when professional judgements are

made in situations not covered by this document, or which directly contravene existing guidance. It is expected that in these circumstances staff will always advise their senior colleagues of the justification for any such action already taken or proposed.

- 2.5 This document should be read in conjunction with the National Employers Organisation for School Teachers (NEOST) *Guidance on Conduct: Preventing Abuse of Trust, and Staff Facing an Allegation of Abuse*, jointly produced by NEOST and the six Teacher Unions.
- 2.6 The following points are what might be considered the overarching principles of the Code:
- i. The welfare of the child is paramount (Children Act 1989).
  - ii. 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.
  - iii. Staff should work, and be seen to work, in an open and transparent way.
  - iv. Staff should discuss and/or take advice promptly from their line manager or another senior member of staff over any incident, which may give rise to concern.
  - v. Records should be made of any such incident and of decisions made/further actions agreed, in accordance with school policy for keeping and maintaining records.
  - vi. Staff should apply the same professional standards regardless of gender or sexuality.
  - vii. All staff should know the name of their designated person for child protection, be familiar with local child protection arrangements and understand their responsibilities to safeguard and protect children and young people.
  - viii. Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.

### **3. Introduction to the safe working code**

- 3.1 Staff have a crucial role to play in shaping the lives of young people. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring. This guidance has been produced to help staff establish the safest possible learning and working environments. The aims are to safeguard young people and

reduce the risk of staff being falsely accused of improper or unprofessional conduct.

This means that these guidelines:

- i. apply to all adults working in the school, whatever their position, roles, or responsibilities.

#### **4. Duty of care**

- 4.1 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.
- 4.2 All staff, whether paid or voluntary, have a duty to keep young people 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 staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgement.
- 4.3 Communities, schools and parents have legitimate expectations about the nature of professional involvement in the lives of pupils. When individuals accept a role that involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.
- 4.4 Employers have a duty of care towards their employees under the Health and Safety at Work Act 1974 which requires them to provide a safe working environment for staff and guidance about safe working practices. The Act also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. In this respect, the duty of care towards both staff and children can be demonstrated through the use of these guidelines. An employer's duty of care and the staff duty of care towards children should not conflict.

This means that adults should;

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

## **5. Exercise of professional judgement**

- 5.1 This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour that is illegal, 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 child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge and in so doing, will be seen to be acting reasonably.

This means that where no specific guidance exists staff should:

- i. discuss the circumstances that informed their action, or their proposed action, with a senior colleague. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted;
- ii. always discuss any misunderstanding, accidents or threats with a senior manager;
- iii. always record discussions and actions taken with their justifications.

## **6. Power and positions of trust**

- 6.1 As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people in education settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.
- 6.2 Wherever possible, staff should avoid behaviour, which might be misinterpreted by others, and report and record any incident with this potential. Where a person aged 18 or over is in a position of trust with a child under 18, it is a criminal offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that that child to engage in or watch sexual activity.

This means that adults should not:

- i. use their position to gain access to information for their own advantage and/or a child's or family's detriment;

- ii. use their power to intimidate, threaten, coerce or undermine pupils;
- iii. use their status and standing to form or promote relationships with children, which are of a sexual nature.

## **7. Confidentiality**

- 7.1 Members of staff may have access to confidential information about pupils in order to undertake their every day responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a pupil or her/his family for their own, or others' advantage (including that of partners, friends, relatives or other organisations).
- 7.2 Information must never be used to intimidate, humiliate, or embarrass the pupil.
- 7.3 Confidential information about a child or young person should never be used casually in conversation or shared with any person other than on a need to know basis. In circumstances where the child's identity does not need to be disclosed the information should be used anonymously.
- 7.4 There are some circumstances in which a member of staff may be expected to share information about a child, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated child protection responsibilities.
- 7.5 The storing and processing of personal information about pupils is governed by the Data Protection Act 1998. If a member of staff is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff. Any media or legal enquiries should be passed to senior management.

This means that staff:

- i. are expected to treat information they receive about children and young people in a discreet and confidential manner;
- ii. in any doubt about sharing information they hold or which has been requested of them should seek advice from a senior member of staff;
- iii. need to be cautious when passing information to others about a child/young person.

## **8. Propriety and behaviour**

- 8.1 All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, pupils and the public in general.
- 8.2 The General Teaching Council for England's (GTCE) Code of Professional Values and Practice, which is now embodied within the standards for Qualified Teacher Status, recognises that "Teachers support the place of the school in the community and appreciate the importance of their own professional status in society. They recognise that professionalism involves using judgement over appropriate standards of personal behaviour".
- 8.3 An individual's behaviour, either in or out of the workplace, should not compromise her/his position within the work setting.

This means that adults should not:

- i. behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model;
- ii. make sexual remarks to a pupil (including email, text messages, phone or letter);
- iii. discuss their own sexual relationships with, or in the presence of, pupils;
- iv. discuss a pupil's sexual relationships in inappropriate settings or contexts;
- v. make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such.

## **9. Dress and appearance**

- 9.1 A person's dress and appearance are matters of personal choice and self-expression. However staff should consider the manner of dress and appearance appropriate to their professional role which may be different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegation.

This means that adults should wear clothing which:

- i. promotes a positive and professional image;
- ii. is appropriate to their role;
- iii. is not likely to be viewed as offensive, revealing, or sexually provocative;
- iv. does not distract, cause embarrassment or give rise to misunderstanding;
- v. is absent of any political or otherwise contentious slogans;
- vi. is not considered to be discriminatory.

## **10. Infatuations**

- 10.1 Staff need to be aware that it is not uncommon for pupils to be strongly attracted to a member of staff and/or develop a heterosexual or homosexual infatuation. All situations should be responded to sensitively to maintain the dignity of all concerned. Staff should also be aware that such circumstances always carry a high risk of words or actions being misinterpreted and for allegations to be made against staff.
- 10.2 A member of staff, who becomes aware that a pupil may be infatuated with themselves or a colleague, should discuss this at the earliest opportunity with a senior colleague so that appropriate action can be taken. In this way, steps can be taken to avoid hurt and distress for all concerned.

This means that adults should:

- i. report any indications (verbal, written or physical) that suggest a pupil may be infatuated with a member of staff.

## **11. Social contact**

- 11.1 Staff should not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response and be aware that such social contact could be misconstrued.
- 11.2 Staff should not give their personal details such as home/mobile phone number; home or e-mail address to pupils unless the need to do so is agreed with senior management. Internal e-mail systems should only be used in accordance with school policy.

This means that adults should:

- i. always approve any planned social contact with senior colleagues, for example when it is part of a reward scheme or pastoral care programme;
- ii. advise senior management of any regular social contact they have with a pupil which may give rise to concern;
- iii. report and record any situation, which they feel, might compromise the school or their own professional standing.

## **12. Physical contact**

- 12.1 There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role.
- 12.2 A 'no touch' approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with pupils 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. Appropriate physical contact in schools may occur most often with younger pupils.
- 12.3 It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Staff should therefore, use their professional judgement at all times.
- 12.4 Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible in the school's incident book and, if appropriate, a copy placed on the child's file.
- 12.5 Physical contact, which occurs regularly with an individual child or young person, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils 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, staff should seek the child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or feelings and – so far as is possible - use a level of contact which is acceptable to the child for the minimum time necessary.
- 12.6 Extra caution may be required where it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact

might be associated with such experiences and lead to staff being vulnerable to allegations of abuse. It is recognised that many such children are extremely needy and seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively by helping them to understand the importance of personal boundaries.

- 12.7 The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each child. Children with special needs may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

This means that adults should:

- i. 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;
- ii. never touch a child in a way which may be considered indecent;
- iii. always be prepared to explain actions and accept that all physical contact be open to scrutiny;
- iv. never indulge in horseplay, tickling or fun fights.

### **13. PE and other activities which require physical contact**

- 13.1 Some staff, for example, those who teach PE and games, or who offer music tuition will on occasions have to initiate physical contact with pupils in order to support a child 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 pupil's agreement.

- 13.2 Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment (see section 19, one-to-one situations, below). Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

This means that adults should:

- i. consider alternatives, where it is anticipated that a pupil might misinterpret any such contact, perhaps involving another member of staff, or a less vulnerable pupil in the demonstration;
- ii. be familiar with and follow recommended DCSF guidance;

- iii. always explain to a pupil the reason why contact is necessary and what form that contact will take.

## **14. Showers and changing**

- 14.1 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 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 young people concerned and sensitive to the potential for embarrassment.
- 14.2 Staff therefore need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the pupils.

This means that adults should:

- i. avoid any physical contact when children are in a state of undress;
- ii. avoid any visually intrusive behaviour.
- iii. and where there are changing rooms:
- iv. announce their intention of entering;
- v. avoid remaining in the room unless pupil needs require it.

This means that adults should not:

- i. change in the same place as children;
- ii. shower with children.

## **15. Pupils in distress**

- 15.1 There may be occasions when a distressed pupil needs comfort and reassurance. This may include age-appropriate physical contact. Staff should remain self aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.
- 15.2 Where a member of staff has a particular concern about the need to provide this type of care and reassurance s/he should seek further advice from a senior manager.

This means that adults should:

- i. consider the way in which they offer comfort to a distressed pupil;

- ii. always tell a colleague when and how they offered comfort to a distressed child;
- iii. record situations which may give rise to concern.

## **16. Behaviour management and safe working**

16.1 All pupils have a right to be treated with respect and dignity. Corporal punishment is unlawful in all schools. Equally, staff should not use any form of degrading treatment to punish a pupil. The use of humour can help to defuse a situation. The use of sarcasm, demeaning or insensitive comments towards pupils is not acceptable in any situation.

This means that adults should:

- i. not use force as a form of punishment;
- ii. try to defuse situations before they escalate;
- iii. keep parents informed of any sanctions;
- iv. adhere to the school's behaviour management policy.

## **17. Care, control and physical intervention**

17.1 The circumstances in which staff can intervene with a pupil are covered by the 1996 Education Act. Staff may legitimately intervene to prevent a pupil 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.

17.2 Staff should have regard to the health and safety of themselves and others. This is a complex area and all staff must have regard to DCSF guidance (DfES Circular 10/98 Section 550A Education 1996 *The Use of Force to Control or Restrain Pupils*;;DfES Guidance LEA/0242/2002 *The Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders* and DfES Guidance LEA/0264/2003 *The Use of Restrictive Physical Interventions for Pupils with Severe Behaviour Difficulties*)

17.3 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.

17.4 In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

This means that staff should:

- i. adhere to the school's physical intervention policy;
- ii. always seek to defuse situations
- iii. always use minimum force for the shortest period necessary.

## **18. Sexual contact with young people**

- 18.1 Any sexual behaviour by a member of staff with or towards a child or young person is both inappropriate and 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 the child or young person consents or not. This includes the prohibition on adults in a position of trust (see previous section on Power and Positions of Trust).
- 18.2 The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Working Together to Safeguard Children' 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'.
- 18.3 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, and manipulate that relationship so sexual abuse can take place. Staff should be aware that conferring special attention and favour upon a child might be construed as being part of a 'grooming' process, which is an offence.
- 18.4 More detailed guidance is available in the NEOST Guidance on Preventing Abuse of Trust and in the Sexual Offences Act 2003.

This means that adults should:

- i. not pursue sexual relationships with children and young people either in or out of school;
- ii. avoid any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact.

## **19. One-to-One situations**

- 19.1 Staff working in one to one situations with children and young people may be more vulnerable to allegations. Teachers and others should recognise this possibility and plan and conduct such meetings

accordingly. Every attempt should be made to ensure the safety and security needs of both staff and pupils are met.

- 19.2 Schools need to consider these issues in drawing up their school policies and offer clear training and guidance for the use of any areas of the school which place staff or children in vulnerable situations e.g. photographic darkrooms, counselling rooms.
- 19.3 Managers should undertake a risk assessment in relation to the specific nature and implications of one to one work for each worker. In addition, each assessment should take into account the individual needs of each pupil. Any arrangements should be reviewed on a regular basis. Pre-arranged meetings with pupils away from the school premises should not be permitted unless approval is obtained from their parent and the head teacher or other senior colleague with delegated authority.

This means that adults should:

- i. avoid meetings with pupils in remote, secluded areas of school;
- ii. ensure there is visual access and/or an open door in one to one situations;
- iii. inform other staff of the meeting beforehand, assessing the need to have them present or close by;
- iv. avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy;
- v. always report any situation where a child becomes distressed or angry to a senior colleague;
- vi. consider the needs and circumstances of the child/children involved.

## **20. Overnight supervision and examinations**

- 20.1 There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process. In these circumstances, staff may be asked to volunteer to supervise students perhaps in their own homes.
- 20.2 Where there are no staff volunteers, the examination awarding bodies allow for alternative supervisory arrangements to be made.

- 20.3 When staff do volunteer, efforts should be made to balance the purpose of the arrangement with the need to safeguard and protect the wellbeing of all parties.

This means that:

- i. a full health and safety risk assessment should have been undertaken;
- ii. all members of the household should have the appropriate checks made;
- iii. all arrangements should be made in partnership and agreement with the student and parents/carers;
- iv. arrangements involving one to one supervision should be avoided wherever possible;
- v. staff should have regard to any guidance that exists;
- vi. as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision;
- vii. whenever possible, independent oversight of arrangements should be made;
- viii. any situation which gives rise to complaint, disagreement or misunderstanding should be reported.

## **21. Transporting children**

- 21.1 In certain situations e.g. out of school activities, staff or volunteers may agree to transport children. A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties that may arise. Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting as an escort. Calderdale Children's Services have produced guidance for schools relating to transporting children which can be obtained from the Schools Health and Safety Officer.
- 21.2 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 and that the maximum capacity is not exceeded

This means that adults should:

- i. plan and agree arrangements with all parties in advance, responding sensitively and flexibly to disagreements;
- ii. ensure that they are alone with a child for the minimum time possible;
- iii. be aware that the safety and welfare of the child is their responsibility until this is safely passed over to a parent/carer;
- iv. report the nature of the journey, the route and expected time of arrival in accordance with agreed procedures;
- v. ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety take into account any specific needs that the child may have.

## **22. Educational visits and after-school clubs etc**

- 22.1 Staff should take particular care when supervising pupils in the less formal atmosphere of a residential setting or afterschool activity.
- 22.2 Staff remain in a position of trust and need to ensure that their behaviour is appropriate and cannot be interpreted as seeking to establish an inappropriate relationship or friendship.
- 22.3 Where out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, staff and parents should be informed of these prior to the start of the trip.
- 22.4 Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in an out of school activity. Staff must be aware of and follow guidance. Calderdale Children's Services have produced guidance for schools relating to arranging educational visits, etc which can be obtained from the Schools Health and Safety Officer.

Working safely means that adults should:

- i. always have another adult present in out of school activities, unless otherwise agreed with senior staff in school;
- ii. undertake a risk assessments;
- iii. have parental consent to the activity;
- iv. ensure that their behaviour remains professional at all times.

## **23. First aid and the administration of medication**

- 23.1 All schools must have trained first aiders/appointed persons. Teachers may volunteer to undertake this task but it is not a contractual requirement. Staff should receive appropriate training before administering first aid or medication.
- 23.2 Pupils may need medication during school hours. In circumstances where children need medication regularly a health care plan should be drawn up to ensure the safety and protection of pupils and staff. With the permission of parents, the children should be encouraged to administer the medication themselves.
- 23.3 If a member of staff is concerned or uncertain about the amount or type of medication being given to a pupil, this should be discussed with the appropriate senior colleague at the earliest opportunity. When administering first aid, wherever possible, staff should ensure that another adult is present, or aware of the action being taken. Parents should always be informed when first aid has been administered.
- 23.4 Schools should pay due regard to current Calderdale Children's Services Health and safety guidance for schools and to DCSF guidance (*A Good Practice Guide – Health and Safety of Pupils on Educational Visits 1998*; DfES Circular 14/96 *Supporting Children with Medical Needs in School*; *Guidance for First Aid in School 1988*).

This means that adults should:

- i. adhere to the school's safety policy;
- ii. adhere to the school's intimate care policy;
- iii. make other staff aware of the task being undertaken;
- iv. explain to the child what is happening.

## **24. Intimate care**

- 24.1 All children have a right to safety, privacy and dignity when contact of an intimate nature is required (for example assisting with toileting or removing wet/soiled clothing). A care plan should be drawn up and agreed with parents for all children who require intimate care on a regular basis.
- 24.2 Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. When assistance is required, staff should ensure that another appropriate adult is in the vicinity and is aware of the task to be undertaken. Additional vulnerabilities that may arise from a physical disability or learning difficulty should be considered with regard to individual teaching and care plans for each child. As with all

arrangements for intimate care needs, agreements between the child, their parents/carers and the organisation must be negotiated, agreed and recorded.

- 24.3 In addition, the views and/or emotional responses of children with special educational needs, regardless of age and ability must be actively sought in regular reviews of these arrangements.

This means that adults should:

- i. adhere to the school's intimate care guidelines;
- ii. make other staff aware of the task being undertaken;
- iii. explain to the child what is happening;
- iv. consult with colleagues where any variation from agreed procedure/care plan is necessary;
- v. record the justification for any variations to the agreed procedure/care plan and share this information with parents.

## **25. Curriculum**

- 25.1 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.

- 25.2 The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to pupils' questions can require careful judgement and staff may wish to take guidance in these circumstances from a senior member of staff.

- 25.3 Care should also be taken to abide by the governing body's required policy on sex and relationships education and the wishes of parents. Parents have the right to withdraw their children from all or part of any sex education provided (but not from the biological aspects of human growth and reproduction necessary under the science curriculum).

This means that adults should:

- i. have clear written lesson plans.
- ii. This means that adults should not:
- iii. enter into or encourage inappropriate or offensive discussion about sexual activity.

## **26. Photography, videos and other creative arts**

- 26.1 Many school activities involve recording images. These may be undertaken as part of the curriculum, extra school activities, for publicity, or to celebrate achievement. Staff need to be aware of the potential for these aspects of teaching to be misused for pornographic or '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 young or vulnerable pupils who may be unable to question why or how the activities are taking place.
- 26.2 Children who have been previously abused in this way may feel threatened by the use of photography, filming etc in the teaching environment. Staff should remain sensitive to any children who appear uncomfortable and should recognise the potential for misinterpretation.
- 26.3 Using images of children for publicity purposes will require the age - appropriate consent of the individual concerned and their legal guardians. Images should not be displayed on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.

It is recommended that when using a photograph the following guidance should be followed:

- i. if the photograph is used, avoid naming the pupil;
- ii. if the pupil is named, avoid using their photograph;
- iii. schools should establish whether the image will be retained for further use;
- iv. images should be securely stored and used only by those authorised to do so.

This means that adults should:

- i. be clear about the purpose of the activity and about what will happen to the photographs when the lesson/activity is concluded;
- ii. ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose;
- iii. ensure that all images are available for scrutiny in order to screen for acceptability;
- iv. be able to justify images of children in their possession;

- v. avoid making images in one to one situations.

This means that adults should not:

- i. take, display or distribute images of children unless they have consent to do so.

## **27. Internet use**

27.1 Schools need to have clear policies about access to and the use of the internet and adults working in them should have regard to school and Local Authority guidance (DfES guidance, in a 'Superhighway Safety Pack' is available at <http://www.safety.ngfl.gov.uk>.)

27.2 Under no circumstances should adults in school access inappropriate images. Accessing child pornography or indecent images of children on the internet, and making, storing or disseminating such material, is illegal and, if proven, will invariably lead to the individual being barred from work with children and young people.

27.3 Using school or college equipment to access inappropriate or indecent material, including adult pornography, is likely to give cause for concern particularly if as a result pupils might be exposed to inappropriate or indecent material.

This means that adults should:

- i. follow the school policy on the use of IT equipment.

## **28. Whistleblowing**

28.1 Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Schools should have a clear and accessible whistleblowing policy that meets the terms of the Public Interest Disclosure Act 1998.

28.2 Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

This means that adults should:

- i. report any behaviour by colleagues that raises concern.

## **29. Sharing concerns and recording incidents**

- 29.1 All staff should be aware of the school's child protection procedures, including procedures for dealing with allegations against staff, which are informed by NEOST Guidance. Staff who are the subject of allegations are advised to contact their professional association.
- 29.2 In the event of an incident occurring, which may result in an action being misinterpreted and/or an allegation being made against a member of staff, the relevant information should be clearly and promptly recorded and reported to senior staff. Early discussion with a parent or carer could avoid any misunderstanding.
- 29.3 Members of staff should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with pupils so that appropriate support can be provided or action can be taken.

This means that adults:

- i. should be familiar with their school/service system for recording concerns;
- ii. should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the school or workplace.

### **30. Designated teachers/governors**

- 30.1 All adults working in education settings should know the name of the school's designated teacher/member of staff for child protection matters, or the equivalent individual on the governing body, and know and follow relevant child protection policy and procedures.
- 30.2 All staff have a duty to report any child protection concerns to their designated person for child protection matters.