

OUR LADY'S CATHOLIC PRIMARY SCHOOL



We ASPIRE that through the love of Jesus everyone should
"have life and have it to the full".

John 10:10

CODE OF CONDUCT

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1. Policy

The purpose of this policy is to clarify expectations regarding the required standards of behaviour for all individuals working within schools. It provides clear guidance on what constitutes illegal behaviour and what may be considered misconduct. It also outlines safe working practices and behaviours that should be avoided.

All policies referred to in this Code of Conduct are held centrally within the school and can be obtained from the Headteacher.

This policy applies to all adults working in education settings, regardless of their position, role or responsibilities, including supply teachers, self-employed workers and volunteers. Failure to follow this Code of Conduct may lead to investigation and disciplinary procedures for employed staff, and termination of contract or removal from duty for other workers and volunteers.

There may be occasions where professional judgements are made in situations not covered by this document, or which directly contravene guidance issued by the employer. In such circumstances, individuals must ensure that they inform senior colleagues of the rationale for any action already taken or proposed.

Teaching personnel should also refer to the *Teachers' Standards*, which provide further detail on the professional standards expected. This document is available via the Department for Education website.

Individuals should also refer to the job description applicable to their role.

This guidance has been produced in consultation with recognised trade union representatives (see consultation log) to support all school personnel in establishing the safest possible learning and working environments. Its aims are to safeguard young people and reduce the risk of individuals being falsely accused of improper or unprofessional conduct.

The school will ensure that all staff are signposted to this policy and that it is readily accessible.

This policy should be read in conjunction with *Keeping Children Safe in Education (KCSIE)* and the school's Safeguarding and Child Protection Policy.

The Human Rights Act 1998 (HRA) sets out the fundamental rights and freedoms that everyone in the UK is entitled to and incorporates the Articles and protocols of the European Convention on Human Rights (ECHR) that apply in the UK.

Under the HRA, it is unlawful for schools and colleges to act in a way that is incompatible with the Convention.

The Convention rights most relevant to schools and colleges include:

- **Article 3:** the right to freedom from inhuman and degrading treatment (an absolute right)
- **Article 8:** the right to respect for private and family life (a qualified right), including a duty to protect individuals' physical and psychological integrity
- **Article 10:** the right to freedom of expression
- **Article 14:** the right to protection from discrimination in relation to all Convention rights
- **Protocol 1, Article 2:** the right to education

Being subjected to harassment, violence and/or abuse, including that of a sexual nature, may breach one or more of these rights depending on the nature and circumstances of the conduct.

Further information (including on absolute and qualified rights) can be found via the Equality and Human Rights Commission website.

2. Scope

This policy applies to schools with full delegated status as defined within Herefordshire Council's Local Management of Schools (LMS) Scheme.

Voluntary Aided Church schools, where Herefordshire Council is not the legal employer, may adopt an alternative Code of Conduct as determined by the relevant diocesan authority. Academy schools may also adopt this policy.

Schools proposing to amend this document beyond minor personalisation must consult with the recognised trade unions.

3. Standards of Conduct

In performing their duties, school employees must act with integrity, honesty, impartiality and objectivity, and uphold the values that underpin the council's work:

- **People:** treating others fairly, with compassion, respect and dignity
- **Excellence:** striving for excellence and high-quality service, care and outcomes
- **Openness:** being transparent and accountable
- **Partnership:** working collaboratively with all members of the community
- **Listening:** actively listening to and taking account of the views and needs of others
- **Environment:** protecting and promoting the natural environment and heritage for the benefit of all

4. Principles

The following principles underpin the expected standards of conduct for all school personnel:

- The welfare of students is paramount
- The welfare of school personnel must also be protected
- Individuals are responsible for their own actions and behaviour and must avoid any conduct which could lead a reasonable person to question their motivation or intentions
- Individuals must work, and be seen to work, in an open and transparent manner
- Individuals must seek advice promptly from their line manager or another senior member of staff regarding any incident that may give rise to concern
- Accurate records must be made of any such incident, including decisions taken and any subsequent actions agreed
- Individuals must apply consistent professional standards in line with the school's Equality Policy (available from the Headteacher)
- All staff must know the identity of the Designated Safeguarding Lead (DSL), be familiar with child protection arrangements, and understand their responsibilities to safeguard and promote the welfare of students. Appropriate training must be provided and recorded
- Individuals must be aware that breaches of the law or professional guidance may result in criminal and/or disciplinary action
- Individuals should seek advice from their recognised trade union representative where appropriate

5. Personal & Professional Conduct

All school personnel are expected to demonstrate consistently high standards of personal and professional conduct.

This means that individuals must:

- Maintain high standards of ethics and behaviour, both within and outside school
- Treat pupils, colleagues, parents/carers and other stakeholders with dignity, respect and courtesy
- Maintain appropriate professional boundaries at all times
- Have regard for the need to safeguard pupils' physical and emotional wellbeing, in accordance with statutory requirements
- Show tolerance of, and respect for, the rights of others
- Have proper and professional regard for the ethos, policies and practices of the school

- Not undermine the rule of law, and demonstrate respect and tolerance for those with different faiths, beliefs and backgrounds
- Maintain high standards of attendance and punctuality
- Comply with all school policies and procedures
- Maintain confidentiality in line with school policy and legal requirements
- Use school resources responsibly and with due regard for financial accountability
- Escalate concerns or issues to the Headteacher and/or Governing Body where appropriate
- Take reasonable care of their own health and safety and that of others who may be affected by their actions

Staff should also refer to Section 6.17 (Care, Control and Physical Intervention).

6. Safe Working Practices for the Protection of Students and School Personnel

6.1. Duty of care

All school personnel are accountable for the way in which they exercise authority, manage risk, use resources, and protect students from discrimination and avoidable harm.

Everyone, whether paid or voluntary, has a duty to keep young people safe and to protect them from physical and emotional harm. This duty is exercised, in part, through the development of respectful, caring and professional relationships which demonstrate integrity, maturity and good judgement.

There are legitimate high expectations regarding the nature of the professional involvement of school personnel in the lives of students. 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.

Employers also have a duty of care towards their employees. This requires them to provide a safe working environment, guidance on safe working practices, and support for work-life balance. Schools should follow the guidance document *Assaults on School Staff by Pupils*, available from the Headteacher.

This means that individuals should:

- understand the responsibilities that are part of their employment or role, and be aware that sanctions may be applied if these provisions are breached
- always act, and be seen to act, in the learners' best interests
- avoid any conduct which would lead a reasonable person to question their motivation or intentions
- take responsibility for their own actions and behaviour
- comply with the Lone Working Policy (available from the school office)

This means that the school should:

- ensure that safeguarding procedures are in place and reviewed regularly
- ensure that effective systems are in place for concerns to be raised
- ensure that adults are not placed in situations which render them particularly vulnerable

6.2. Exercise of Professional Judgement

This Code of Conduct and guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour. However, it does identify behaviour that is illegal, inappropriate or inadvisable. There will be occasions and circumstances in which individuals have to make decisions or take action in the best interests of students which may not be explicitly covered by this guidance, or where no guidance exists.

In such circumstances, individuals are expected to make professional judgements about their behaviour in order to secure the best interests and welfare of the learners in their care and, in so doing, will be seen to be acting reasonably.

This means that, where no specific guidance exists, individuals should:

- discuss the circumstances that informed their action, or proposed action, with a senior colleague in order to ensure that the safest practices are employed and to reduce the risk of actions being misinterpreted
- discuss any misunderstanding, accident or threat with a senior leader
- record discussions and actions taken, together with the reasons for them

6.3. Power and Positions of Trust

All adults working with students in education settings are in positions of trust in relation to the young people in their care. A relationship between school personnel and a student cannot be a relationship of equals. There is potential for exploitation and harm to vulnerable young people, and all school personnel have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

School personnel should always maintain appropriate professionalism and, wherever possible, avoid behaviour which might be misinterpreted by others. Any incident with the potential to be misinterpreted should be reported and recorded with the Headteacher or their nominated representative.

There may be occasions when school personnel with children attending the school are acting as a parent rather than in their capacity as a school employee. In such circumstances, full transparency is advised in order to protect the individual.

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite such activity to take place.

This means that individuals should not:

- use their position to gain access to information for their own advantage and/or to the detriment of a student or their family
- use their power to intimidate, threaten, coerce or undermine students
- use their status and standing to form or promote a relationship with a student which is of a sexual nature
- attempt to initiate a relationship with an ex-pupil which is of a sexual nature

6.4. Confidentiality

School personnel may have access to confidential information about students and/or other members of the school community in order to undertake their day-to-day responsibilities. In some circumstances, individuals may be given additional highly sensitive or private information. They should never use confidential or personal information about a student and/or other school personnel, or their family, for their own advantage or that of others. Information must never be used to intimidate, humiliate or embarrass a student.

Confidential information should never be used casually in conversation or shared with any person other than on a need-to-know basis. Where an individual's identity does not need to be disclosed, the information should be used anonymously. Individuals should always adhere to the school's Data Protection Policy, available from the Headteacher.

There are circumstances in which school personnel may be expected to share information about a student and/or other members of school personnel, for example where abuse is alleged or suspected. In such cases, individuals have a duty to pass on information without delay, but only to those with designated child protection responsibilities.

If an individual is in any doubt about whether to share information or keep it confidential, they should seek guidance from a senior member of staff. School personnel may wish to keep a signed record of the conversation. Any media or legal enquiries should be passed to senior leadership.

Adults need to be aware that, although it is important to listen to and support students, they must not promise confidentiality or ask students to do the same under any circumstances.

Additional concerns and allegations about adults should be treated as confidential and passed to a senior leader without delay.

This means that school personnel:

- are expected to treat information they receive about students in a discreet and confidential manner
- should seek advice from a senior member of staff if in any doubt about sharing information they hold, or which has been requested of them
- need to be cautious when passing information to others about a student
- need to know to whom any concerns or allegations should be reported
- may wish to keep a record of any guidance sought from senior staff

6.5. Propriety and Behaviour

All school personnel have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of students. They should adopt high standards of personal conduct in order to maintain the confidence and respect of colleagues, students and the public.

An individual's behaviour, either in or out of the workplace, should not compromise their position within the school setting. It is therefore important to exercise due care and attention when outside the school environment.

Membership of organisations whose aims are in conflict with the values and equality policies of the school is not acceptable.

For maintained schools only, school personnel must declare to the Headteacher any financial or non-financial interest that could bring them into conflict with the school's interests.

Individuals should declare membership of any organisation which has one or more of the following characteristics. Data will be protected in line with GDPR requirements:

- it is a governing body of an educational establishment within Herefordshire
- it requires members to make promises of mutual aid and support (even if such promises are considered merely ceremonial). This does not apply where promises of support are offered equally to members and non-members
- it has been designated by the government as a proscribed terrorist group or organisation
- it is an organisation in which the individual holds a position of general control or management (this does not include general membership or subscription, or appointment/nominations by the council)
- it exercises functions of a public nature
- it is directed towards charitable purposes
- its principal purposes include influencing public opinion or policy (including any political party where the employee holds a politically restricted post)
- it is not open to the public without formal membership
- it has dealings with the council

For the avoidance of doubt, individuals do not need to declare membership of a trade union, as this is classed as special category data under GDPR.

School personnel who have a financial or non-financial interest must not involve themselves in any decision regarding the allocation of school services or resources from which they, their family or their friends might benefit, and should refer the matter immediately to the Headteacher.

There may be exceptional circumstances where an employee is a personal friend of a parent. This may result in contact with a student during social activities outside the school setting. All relationships with students outside work should be declared (see Appendix 1). Generally, if an individual finds themselves in a pub or other venue where current pupils are drinking, they should not join the pupils and may need to draw the attention of bar staff to the age of those pupils.

It is difficult to determine exact rules in every circumstance. If an individual feels that there are exceptional reasons why the general restriction on drinking alcohol with students should not apply, for example attendance at the wedding of a mutual friend, they should discuss the matter with a senior member of staff in advance.

This means that school personnel should not:

- behave in a manner which would lead any reasonable person to question their suitability to work with students or to act as a role model
- drink alcohol with current pupils in public or private places. If this is unavoidable, school personnel must maintain professional judgement at all times
- purchase alcohol for pupils
- drink alcohol when supervising pupils or on school trips. This applies even where there are no pupils immediately present, as school personnel may be called upon to act in an emergency
- make inappropriate remarks to a student, including by email, text message, phone or letter
- discuss their own sexual relationships with, or in the presence of, students
- discuss a student's sexual relationships in inappropriate settings or contexts
- make, or encourage others to make, unprofessional personal comments in any form of communication, including emails, conversations or social networking comments

School personnel must:

- be aware that their behaviour in their personal lives may impact upon their work with students

6.6. School Personnel with Children at the School They Work At

School personnel must remember their responsibility 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.

Once an individual becomes a professional teacher, or works in a school, their standing as a member of the wider community is open to scrutiny and criticism by colleagues, parents and members of the public with whom they may come into contact. This can make it difficult to engage in some social activities both as a parent and as a school worker. Employees will be supported by the school as appropriate to the circumstances.

Where school personnel have children who are also pupils within the school, they must remain mindful of professional and personal boundaries at all times and ensure that any direct or indirect interaction with their own children during the working day is always commensurate with their professional responsibilities.

This means that school personnel who are also parents should:

- evaluate each social situation sensibly and with caution
- never place themselves in a position where their actions could be misconstrued by others
- raise any concerns, in their capacity as a parent, through the usual parental channels

If individuals are in any doubt, they should seek further guidance from the Headteacher.

6.7. Dress and Appearance

Individuals should consider their manner of dress and appearance in relation to their professional role. As students are expected to present smartly in school uniform, a smart and professional appearance is also expected of school personnel at all times. All school personnel should ensure that they are dressed decently, safely and appropriately for the tasks they undertake. A person's dress and appearance are matters of personal choice and self-expression; however, staff should dress in ways that are appropriate to their role and which may differ from how they dress outside work.

Dress and appearance should promote and reflect the ethos of the school. Clothing should not distract, cause embarrassment or give rise to misunderstanding, and should not display political, discriminatory or otherwise contentious slogans.

The Governing Body will be sympathetic to cultural and religious dress and will make appropriate adjustments for employees with disabilities. Careful consideration will also be given to freedom of thought, conscience and religion, and to race equality. However, staff must still meet the expectations of suitable clothing and footwear for the school environment.

This means that all school personnel should ensure that their appearance and clothing:

- are appropriate to their professional role and the activities they are undertaking
- are smart, clean and tidy, and free from stains, rips or tears
- reflect a smart-casual style and do not include loungewear
- are decent, safe and suitable for the tasks undertaken; this includes avoiding low-cut or deep V-neck tops or vests, short shorts, and short skirts or dresses without leggings or opaque tights, as well as see-through items without appropriate underlayers
- do not distract, cause embarrassment or give rise to misunderstanding
- do not contain overt branding or political or otherwise contentious slogans
- take account of religious beliefs, cultural practices, customs and disabilities
- comply with relevant national guidance, for example appropriate clothing for swimming lessons
- do not include items that could pose a risk to themselves or others, particularly during physical intervention, for example loose jewellery, scarves or neckties

In addition:

- hair should be neat, clean and appropriate to a professional school environment
- tattoos that are obscene, offensive or discriminatory must be covered
- scents should be discreet, as strong fragrances may adversely affect students, particularly those with sensory sensitivities
- jewellery should be kept to a minimum and worn at the individual's own risk; items such as hooped or dangling earrings and nose rings should not be worn where they present a health and safety risk

- nails must be kept short and smooth to allow safe physical interaction and physical intervention where required
- staff should model expectations in line with pupil policies, for example restrictions on brightly coloured hair

Transgender employees should be able to follow the dress code in a manner consistent with their gender identity.

Staff who have concerns about this section are encouraged to discuss them, in the first instance, with their line manager or a member of the senior leadership team.

Those who dress or present in school in a manner which could be considered inappropriate may render themselves vulnerable to criticism or allegation. Any concerns should initially be raised with the individual through informal discussion.

6.8. Gifts

School personnel should be made aware by the Headteacher of the school's procedures for the declaration of gifts received and given.

There are occasions when students or parents may wish to pass small tokens of appreciation to school personnel, for example at Christmas or as a thank-you, and this is acceptable. However, it is not acceptable to receive gifts on a regular basis or of significant value.

All gifts from an individual or family valued at over £20 should be declared to the Headteacher (Appendix 2). If a gift could be construed as a bribe by others, or might lead the giver to expect preferential treatment, it should be politely declined.

Any individual concerned about whether they or a colleague may be at risk of giving or receiving a bribe, financial or otherwise, should contact the Headteacher.

School personnel may not give personal gifts to students. It is acceptable for school personnel to offer tokens of small value for certain tasks, competitions, or as a special treat for the whole class, for example sweets, small toys or stationery.

This means that individuals should:

- ensure that gifts received or given in situations which may be misconstrued are declared
- ensure that gifts of significant value are declared
- generally, only give gifts as part of an agreed reward system
- where gifts are given outside this arrangement, ensure that they are of insignificant value and given to all students equally

6.9. Infatuations

Individuals need to be aware that it is not uncommon for students to be strongly attracted to school personnel and/or to develop an infatuation. School personnel should recognise that such circumstances carry a high risk of words or actions being misinterpreted, and of allegations being made against staff.

Individuals who become aware that a student may be infatuated with them or with 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.

It is advisable for any reported infatuation to be recorded on the low-level concerns log, and for the individual to note when the issue was raised and with whom.

This means that individuals should:

- report to senior colleagues any indications, whether verbal, written or physical, that suggest a student may be infatuated with a member of school personnel
- be mindful when alone in a room with a student, leaving the door open or ensuring they are visible through a glass panel where possible

6.10. Personal Living Space

No student should be invited into the home of an adult who works with them, unless the reason for this has been clearly established and agreed with parents and senior leaders, or the home has been designated by the organisation or regulatory body as a workplace, for example for childminders or foster carers.

The school recognises that there may be occasions when school personnel are acting in their role as a parent.

This means that school personnel should:

- be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations
- be mindful of the need to maintain professional boundaries

6.11. Communications with students (including the use of technology)

Communication between students and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, text messaging, emails, digital cameras, video, webcams, websites, social networking sites, online gaming, blogs and other emerging technologies. Adults should not share personal information with a student, nor should they request or respond to requests for personal information from a student, except where this is appropriate as part of their professional role. All communications should be transparent and open to scrutiny.

Adults should be circumspect in their communications with students so as to avoid any possible misinterpretation of their motives or behaviour, which could be construed as grooming.

School personnel should not give students personal contact details such as their home address, personal email address, social networking accounts, gamer tags or personal web pages. If students become aware of a personal gaming account or gamer tag, it should be changed.

If school personnel become aware that they are involved in an online game with a student from the school, they should cease interaction with that student within the game and should not join games involving that student.

Under no circumstances should school personnel seek out students online, share their own gamer tags or IDs with students, or use school equipment to play online games.

Email or text communication between an adult and a student outside agreed protocols may lead to disciplinary and/or criminal investigation. This includes communication through internet-based platforms such as social networking, instant messaging or gaming.

Communication with ex-students who are over 18 is a matter for professional judgement. Staff should, however, remain mindful that ex-students may continue to have contact with current students.

Any actions that bring the school into disrepute may lead to disciplinary procedures.

School personnel must not establish or seek to establish social contact with students, or their families, for the purpose of securing a friendship or pursuing or strengthening a relationship. Even if a young person seeks to establish such contact, or if it occurs coincidentally, the individual should exercise professional judgement and discuss the matter with a senior leader. Social contact may, in some situations, be misconstrued as grooming.

School personnel may use social networking sites for personal use. However, the school requires that the profiles and photographs of all school personnel are set to private so that students or parents cannot access personal data or images.

Where staff are subject to online trolling or abuse on social media, they should refer to the HR026 Unreasonable Behaviour in Schools Policy.

School personnel must not allow current students, or ex-students under the age of 18, access to their profiles, as this may place them in a vulnerable position.

School personnel should be aware that they may leave themselves open to a charge of professional misconduct if images of themselves in compromising situations are made publicly available.

If a student gains access to the profile of a member of school personnel by fraudulent means, for example impersonation or hacking, senior leadership should be informed immediately.

Where relationships exist between school personnel and parents at the school, or where parents are personal friends, social networking may be acceptable. However, caution must be exercised so that professional standards are maintained and individuals do not compromise themselves or the school.

This means that school personnel should:

- exercise caution when referring to their professional role on social media or similar platforms, and not disclose any information that may be considered confidential
- not post any text, image, sound or video online that could upset or offend any member of the school community or be incompatible with their professional role
- use school ICT systems and resources for all school business, including school email addresses, school mobile phones and school video equipment
- keep passwords secure and ensure that personal data, including data held in management information systems, is used appropriately and kept secure
- only take images of students and/or school personnel where the school holds appropriate consent, for professional purposes, in accordance with school policy and with the knowledge of senior leadership
- not browse, download, upload or distribute material that could be considered offensive, illegal or discriminatory
- ensure that their online activity, both in and out of school, does not bring the school or their professional role into disrepute
- check emails daily on working days as a minimum, or every other day where workload makes this unavoidable
- report any online safety or other safety incident which may affect them, their professionalism or the school
- communicate with students in an appropriate and professional manner, ensuring that parental permission has been given where this form of communication is used
- only contact students for professional reasons using authorised and appropriate communication mechanisms
- not use internet or web-based communication channels to send personal messages to a student
- not store images of students on personal cameras, devices or home computers

- not make images of students available on the internet other than through the school network or website without parental consent and senior leadership approval
- be cautious in contact with ex-pupils, recognising that a professional relationship may still exist and that there may be contact with current pupils
- have no secret contact with students
- consider the appropriateness of any social contact in relation to their role and the nature of their work
- obtain senior leadership approval for any planned social contact, for example where it forms part of a reward scheme or pastoral support programme
- advise senior leadership of any regular social contact with a student or parent which may give rise to concern
- report and record any situation which they feel might compromise the school or their own professional standing
- ensure that their social media profiles are locked down so that data and images are not freely available, seeking advice if necessary and referring to the Social Media Guidance
- not permit current or recent students, or parents, access to their profiles
- understand that the school may conduct online searches relating to candidates and employees as part of its commitment to safer recruitment

6.12. Transporting Children

Wherever possible and practicable, transport should be undertaken other than in private vehicles, with at least one adult, in addition to the driver, acting as an escort. The driver must hold appropriate vehicle insurance, including business use where required.

In certain situations, for example out-of-school activities, school personnel may agree to transport children. A designated member of school personnel should be appointed to plan and oversee all transport arrangements and respond to any difficulties that may arise.

The Headteacher/Governing Body retains overall responsibility for transport arrangements and for ensuring that vehicles meet all legal requirements. School personnel must ensure that their behaviour is safe, that the vehicle is roadworthy and appropriately insured, and that the maximum capacity is not exceeded.

This means that school personnel should:

- plan and agree arrangements with all parties in advance, responding sensitively and flexibly to any disagreement
- ensure that, if alone with a child, this is for the minimum time possible
- recognise that the safety and welfare of the child remain their responsibility until safely passed over to a parent or carer
- report the nature of the journey, the route and the expected time of arrival in accordance with agreed procedures
- ensure that their behaviour and all arrangements promote vehicle, passenger and driver safety
- take account of any specific needs that the child may have

This means that the school should:

- ensure that transport arrangements and the vehicles used meet all legal requirements, are roadworthy, insured and used appropriately

6.13. Use of the Internet

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

Using school equipment to access inappropriate or indecent material, including adult pornography, would normally lead to disciplinary investigation, particularly where students may have been exposed to such material.

School personnel should also refer to the school's policy on internet usage and any policy relating to personal devices, available from the Headteacher.

This means that school personnel should:

- ensure that all passwords are strong and secure
- be aware that images of others should be protected and treated as carefully as their own
- refer to the Acceptable Use of the Internet Policy for further guidance

6.14. Physical Contact with Students

There are occasions when it is entirely appropriate and proper for school personnel to have physical contact with students, but it is crucial that this is only done in ways appropriate to their professional role.

A "no-touch" approach is impractical for most school personnel and may, in some circumstances, be inappropriate. When physical contact is made with students, it should be in response to their needs at the time, be of limited duration, and be appropriate to the circumstances.

School personnel should use their professional judgement at all times about the appropriateness of any physical contact.

Physical contact should never be secretive, for the gratification of the adult, or represent a misuse of authority. If an individual believes that an action could be misinterpreted, the incident and the circumstances should be made clear to senior leadership.

Physical contact which occurs regularly with an individual student is likely to raise questions unless the justification forms part of a formally agreed plan, for example in relation to students with SEN or physical disabilities. Any such contact should be part of an agreed and open school policy and be subject to review.

Some school personnel, for example those teaching PE, games or music tuition, may on occasion need to initiate physical contact with students in order to support them to perform a task safely, demonstrate the use of equipment or an instrument, or assist with an exercise. This should be done with the student's agreement.

Contact under these circumstances should be for the minimum time necessary and should take place in an open environment. School personnel should remain sensitive to any discomfort expressed verbally or non-verbally by the student.

Young people are entitled to respect and privacy when changing clothes or showering. However, an appropriate level of supervision may be necessary to safeguard students, meet health and safety requirements, and ensure that bullying or teasing does not occur. Any supervision should be appropriate to the age and needs of the students concerned, and sensitive to the potential for embarrassment. Where supervision is required, school personnel should comply with the risk assessment for the activity provided by the school.

There may be occasions when a distressed student needs comfort and reassurance. This may include age-appropriate physical contact. School personnel should remain self-aware at all times so that their contact is not threatening, intrusive or open to misinterpretation.

Where an individual has a particular concern about the need to provide this type of care and reassurance, they should seek further advice from a senior leader.

This means that school personnel should:

- be aware that even well-intentioned physical contact may be misconstrued by the student, an observer, or anyone to whom the action is later described
- never touch a student in a way which may be considered indecent
- always be prepared to explain their actions and accept that all physical contact may be open to scrutiny
- avoid any physical contact when students are in a state of undress, and avoid visually intrusive behaviour

Where there are changing rooms, staff should:

- remain in or appropriately supervise the area when groups are changing in order to provide an adequate level of supervision
- ensure, wherever possible, that sensitive students are offered the opportunity to change privately
- not change in the same place as students
- not shower with students

School personnel should also:

- consider carefully the way in which they offer comfort to a distressed student
- tell a colleague when and how they have offered comfort to a distressed student
- record any situation which may give rise to concern

This means that the school should:

- ensure there is a system in place for recording serious incidents and a means by which information about incidents and outcomes can be accessed by senior leadership
- provide school personnel, on a need-to-know basis, with relevant information about vulnerable students in their care
- consider alternatives where it is anticipated that a student might misinterpret any such contact, perhaps by involving other school personnel or a less vulnerable student in demonstrations
- explain to a student, wherever possible, the reason why contact is necessary and what form that contact will take, unless the student's safety is at immediate risk

6.15. Behaviour Management

All students have a right to be treated with respect and dignity. School personnel must not use any form of degrading treatment to punish a student. The use of humour may help to diffuse a situation, but sarcasm, demeaning language or insensitive comments towards students are not acceptable in any circumstances.

This means that school personnel should:

- never use force as a form of punishment
- attempt to diffuse situations before they escalate
- keep parents informed of sanctions in line with the school's Behaviour Policy
- ensure that all incidents are reported to the Health and Safety Team at the Local Authority (maintained schools) or to the Governing Body (VA schools and academies), as appropriate

6.16. Care, Control and Physical Intervention

School personnel may legitimately intervene to prevent a student from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behaviour prejudicial to good order, or disrupting good order and discipline. School personnel should have regard to the health and safety of themselves and others and must always act in accordance with the individual school's Behaviour Policy.

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.

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

This means that school personnel should:

- always seek to de-escalate situations
- where appropriately trained, use the minimum force for the shortest period necessary

6.17. Sexual Contact with Students

Any sexual behaviour by school personnel with or towards a student is both inappropriate and illegal. Students are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are also protected by specific legal provisions, regardless of whether the child or young person appears to consent. This includes the prohibition on adults in a position of trust. The sexual activity referred to includes not only penetrative and non-penetrative acts involving physical contact, but also non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material.

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 that sexual abuse can take place. School personnel should be aware that conferring special attention or favour on a child may be construed as part of a grooming process, which is a criminal offence.

This means that school personnel should:

- not pursue sexual relationships with children or young people, either in or out of school
- avoid any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative, including verbal comments, letters, notes, emails, phone calls, text messages or physical contact

6.18. One to One Situations

All school personnel working in one-to-one situations, or with small groups of children and young people, for example in extra tuition, detentions or rehearsals, are more vulnerable to allegations. Teachers and others should recognise this possibility and plan and conduct such meetings accordingly. Every effort should be made to ensure that the safety and security needs of both school personnel and students are met.

Pre-arranged meetings with students away from the school premises should not take place unless approval has been obtained from the parent and the Headteacher, or another senior colleague with delegated responsibility.

This means that school personnel should:

- avoid meetings with students in remote or secluded areas of the school, wherever possible
- ensure there is visual access and/or an open door in one-to-one situations

- inform other school personnel of the meeting beforehand, and assess whether they should be present or nearby
- avoid using “confidential” signs on meeting rooms where possible, as such signs may create an opportunity for secrecy or the appearance of secrecy
- report any situation where a child becomes distressed or angry to a senior colleague
- consider the needs and circumstances of the child or children involved
- comply with the school’s Lone Working Policy
- keep a distance, and where possible a desk, between themselves and the pupil

6.19. Extra-curricular activities

School personnel should take particular care when supervising students in the less formal atmosphere of a residential setting or after-school activity.

During school activities which take place off-site or outside school hours, a more relaxed discipline, dress code or language code may be acceptable. However, all school personnel remain in a position of trust and must ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out-of-school activities include overnight stays, careful consideration must be given to sleeping arrangements, and these should be detailed in the school risk assessment. Students, school personnel and parents should be informed of these arrangements before the trip begins.

Health and safety arrangements require school personnel to keep colleagues and employers aware of their whereabouts, especially when engaged in out-of-school activities.

This means that school personnel should:

- ensure that another adult is present during in-school or out-of-school activities, unless otherwise agreed by senior leaders
- undertake appropriate risk assessments
- obtain parental consent for the activity
- ensure that their behaviour remains professional at all times

6.20. Intimate Care of Students

All children have a right to safety, privacy and dignity when intimate care is required, for example assistance with toileting or the removal of wet or soiled clothing. An intimate care plan should be drawn up and agreed with parents for any child who requires intimate care on a regular basis.

Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. Although it is recommended that two members of school personnel assist the child, this level of staffing may not always be available. While the presence of a second adult may be perceived as protection against allegations of abuse, it may also further erode the child’s privacy. Where assistance is required, school personnel should ensure that another appropriate adult is nearby and aware of the task being undertaken.

Additional vulnerabilities arising from a physical disability should be considered in relation to individual teaching and care plans. As with all arrangements for intimate care, agreements between the child, parents and the organisation must be negotiated, agreed and recorded.

This means that school personnel should:

- make other school personnel aware of the task being undertaken
- explain to the child what is happening

- consult colleagues where any variation from the agreed procedure or care plan is necessary
- record the justification for any variation from the agreed procedure or care plan and share this information with parents

6.21. Curriculum

Many areas of the curriculum may include, or give rise to, subject matter which is sexually explicit or otherwise sensitive in nature. Care should be taken to ensure that resource materials cannot be misinterpreted and that they clearly relate to the learning outcomes identified in the lesson plan. The plan should identify any particular areas of risk or sensitivity.

The curriculum may also give rise to unplanned discussion about sexually explicit or otherwise sensitive subject matter. Responding to students' questions can require careful judgement, and school personnel may wish to seek guidance from a senior member of staff.

Care should be taken to comply with the school's policy on sex and relationships education.

This means that school personnel should:

- have clear written lesson plans which identify any particular areas of risk and sensitivity
- have appropriate training to enable them to deliver the PSHE curriculum

6.22. Photography, Videos and other Creative Arts

Many school activities involve recording images. These may be undertaken as part of the curriculum, during out-of-school activities, for publicity, or to celebrate achievement.

All school personnel need to be aware of the potential for such activities to be misused for pornographic or grooming purposes. Careful consideration should therefore be given to how these activities are organised and carried out.

Using images of children for the school's publicity purposes should already be covered by parental consent through the Home-School Agreement. Images should not be displayed on other websites, in publications, or in public places without additional consent where required.

Any CCTV recordings made at the school must also comply with legal and policy requirements.

This means that school personnel should:

- be clear about the purpose of the activity and what will happen to the photographs when the lesson or activity has concluded
- ensure that a senior member of staff is aware that photography or image equipment is being used and the purpose for which it is being used
- ensure that all images are available for scrutiny in order to assess their acceptability
- be able to justify any images of children in their possession
- avoid making images in one-to-one situations

This means that school personnel should not:

- have images of students stored on personal cameras, devices or home computers
- make images of students available on the internet other than through the school network or website without parental consent and senior leadership approval

6.23. Whistleblowing

Whistleblowing is the mechanism by which school personnel can voice concerns, raised in good faith, without fear of repercussion. Reference should be made to the school's Whistleblowing Policy, available from the Headteacher.

School personnel should recognise their individual responsibility to bring matters of concern to the attention of senior leadership and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

This means that school personnel should:

- report any behaviour by colleagues that raises concern

6.24. Sharing Concerns and Recording Incidents

All school personnel should be aware of the school's child protection procedures, including procedures for dealing with allegations against school personnel. School personnel who are the subject of allegations are advised to contact their professional association or trade union.

In the event of an incident occurring which may result in an action being misinterpreted and/or an allegation being made against an individual, the relevant information should be recorded clearly and promptly and reported to senior staff. Early discussion with a parent may avoid misunderstanding.

School personnel should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with students so that appropriate support can be provided or action taken.

This means that school personnel:

- should be familiar with the school's child protection procedures and comply with them as required
- should take responsibility for recording any incident and passing on information where they have concerns about any matter relating to the welfare of an individual in the school or workplace
- should refer to the Safeguarding and Child Protection Policy, available from the Headteacher

6.25. Low-Level Concerns

Where concerns do not meet the harm threshold, as set out in Part 4, Section 1 of *Keeping Children Safe in Education*, they are classed as low-level concerns and should be documented and retained on file. It is important that all concerns about adults are shared responsibly, recorded appropriately, and dealt with effectively. This also helps to protect those working in or on behalf of schools from becoming the subject of false low-level concerns or misunderstandings.

Reports of any low-level concern from pupils or staff should, in the first instance, be made to the Headteacher, or in their absence to the Deputy Headteacher or Assistant Headteacher. If the concern relates to the Headteacher, it should be reported to the Chair of Governors via email or telephone using the contact details held in the school office.

The Headteacher and/or Chair of Governors must ensure that all low-level concerns are acted upon appropriately in line with Part 4, Sections 1 and 2 of *Keeping Children Safe in Education*: "it is crucial that all low-level concerns are shared responsibly with the right person, and recorded and dealt with appropriately". In most cases, the individual concerned will be made aware of the low-level concern.

Low-level does not mean insignificant. A low-level concern is any concern, however small, including a sense of unease or a nagging doubt, that an adult may have acted in a manner which is inconsistent with this Code of Conduct and/or the law, whether inside or outside work. Examples of low-level concerns include:

- being overly friendly with children
- having favourites

- taking photographs of children on a mobile phone contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- humiliating pupils

The reporting of low-level concerns is important in order to identify and record potential patterns of concerning behaviour.

If the concern has been raised by a third party, the Headteacher should gather as much evidence as possible by speaking directly to the person who raised the concern, unless it was raised anonymously, and to the individual involved and any witnesses. Only in exceptional circumstances will the individual not be informed, for example where there is a high-level concern or a pattern of cumulative low-level concerns.

This means that school personnel:

- should report any concerns they have to the Headteacher, no matter how small, including:
 - complaints
 - disclosures made by any child, parent or adult
 - concerns arising from pre-employment vetting
 - anything that makes them feel uneasy or suspicious

For further information, please refer to the school's Child Protection & Safeguarding Policy.

Appendix 1 Relationships with Students Outside of School – Declaration

It is recognised that there may be circumstances in which school personnel have contact with students outside of the school environment. Examples may include membership of sports clubs, family or social connections, or private tutoring arrangements.

In order to ensure transparency and safeguard both students and staff, school personnel must declare any relationship with a student that exists outside of school.

Declaration of Relationship

Employee Name	Student Name	Relationship

Declaration Statement

I confirm that I am fully aware of the Code of Conduct relating to contact with students outside of school, and that I will adhere to this policy at all times.

Private Tutoring

Where a member of school personnel undertakes private tutoring for a student, the following conditions must be met:

- The member of staff must not teach the student as part of their normal school timetable, unless this has been explicitly agreed in advance by the Headteacher
- Parents/carers must be informed that the tutoring is arranged independently of the school
- No payments must be made through the school, either formally or informally (e.g. via the student)
- Private tutoring must not take place on school premises

Signature

Employee Name: _____

Signature: _____

Date: _____

Once completed, signed and dated, please return this form to the Headteacher

Appendix 2: Declaration of Gifts and Hospitality

Name: _____

Post: _____

Details of Gift/Hospitality Offered

Employees should only accept offers of hospitality where there is a genuine professional purpose, such as the need to impart information or represent the school within the community.

Cash gifts must not be accepted under any circumstances. Gifts or hospitality must not be accepted where this could be perceived as influencing professional judgement or creating a conflict of interest.

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Reason for Gift/Hospitality Being Offered

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.....
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Declaration

Was the gift/hospitality accepted?

(Please circle) **Yes / No**

Approximate value of the gift/hospitality (whether accepted or not):

.....

Signed: _____

Print Name: _____

Date: _____

Authorisation

Headteacher: _____

Date: _____

NB: Please seek consent of your Headteacher before accepting a gift or hospitality.

VERSION LOG

Version	Status	Date	Description of change	Reason for change	Pages affected
0.01	Draft	Sept 2016	New Policy for comment	New Policy	ALL
1.0	Draft final version	January 2018	New Policy – draft for Employment Panel	New Policy	ALL
1.1	Final version	July 2018	New policy consulted on with all consultees	Recommendations of Employment Panel	ALL
2.0	Final version	September 2020	Addition to include the requirement for all school personnel, including supply teachers and self-employed workers to be covered by the policy. References to ‘staff’ changes to ‘individuals’ or ‘school personnel’ to ensure it includes the wider scope in line with changes to KCSIE 2020.	Update to bring in line with KCSIE 2020 Amended to take consideration of feedback from Union Reps from NASUWT, GMB and ASCL.	ALL
3.0	Final Version	January 2023	Add in a section regarding general professional conduct. Add in mention of online checks being undertaken & expectation to report low level concerns. General updates following feedback from NASUWT.	Update to bring in line with KCSIE 2022 and following feedback from recent ER cases	ALL
4.0	Final Version	November 2023	Update to Dress and Appearance and overall review	Amended to take consideration of feedback from Employers and Union Reps from NASUWT, GMB and ASCL.	ALL
5.0		October 2024	Update to Low Level concerns Previous section 6.12 (remote learning during Covid) removed	Amended to take consideration of feedback from union representatives	ALL

CONSULTATION LOG

Date sent for consultation	Consultees
October 2024	<p data-bbox="355 237 596 264"><u>Herefordshire Council</u></p> <p data-bbox="355 300 1477 327">Liz Farr - Director of Education, Skills and Learning, Children and Young People – Herefordshire Council</p> <p data-bbox="355 362 568 389"><u>Schools/Academies</u></p> <p data-bbox="355 425 1126 452">Tom Williams – Headteacher – The Bishop of Hereford Bluecoat School</p> <p data-bbox="355 461 903 488">Paul Jennings, Headteacher – Fairfield High School</p> <p data-bbox="355 497 1018 524">Steve Kendrick – Headteacher – Ashfield Park Primary School</p> <p data-bbox="355 533 975 560">Lyndsey Manning – Headteacher – Trinity Primary School</p> <p data-bbox="355 568 959 595">Helen Rees – Headteacher – Leominster Primary School</p> <p data-bbox="355 604 1027 631">Bev Blower – Executive Headteacher – The Herefordshire PRU</p> <p data-bbox="355 640 791 667">Tracey Kneale, CEO Fern Academy Trust</p> <p data-bbox="355 676 884 703">Allen Brace, Headteacher – Lady Hawkins School</p> <p data-bbox="355 712 906 739">Tim Knapp, Headteacher – Whitecross High School</p> <p data-bbox="355 748 852 775">Nicki Gilbert, Headteacher – Westfield School</p> <p data-bbox="355 810 624 837"><u>Hoople Ltd (HR Services)</u></p> <p data-bbox="355 873 730 900">Julie Davies - HR Services Manager</p> <p data-bbox="355 909 959 936">Julie Bridgewater- Senior HR Business Partner – Schools</p> <p data-bbox="355 972 504 999"><u>Trade Unions</u></p> <p data-bbox="355 1034 683 1061">Chris Lewandowski (NASUWT)</p> <p data-bbox="355 1070 603 1097">Julie Turner (NASUWT)</p> <p data-bbox="355 1106 564 1133">Paul Deneen (NEU)</p> <p data-bbox="355 1142 549 1169">Ian Taylor (NAHT)</p> <p data-bbox="355 1178 584 1205">Carol Rushton (ASCL)</p> <p data-bbox="355 1214 592 1240">Helen Astley (Unison)</p> <p data-bbox="355 1249 608 1276">David Stevens (Unison)</p> <p data-bbox="355 1285 552 1312">Elaine King (GMB)</p>