

1 Introduction

This code of conduct is intended to help staff minimise the risk of being accused of improper conduct towards the young people with whom they come into contact during their work. It has been updated to reflect the Home Office Guidance "Caring for young people and the vulnerable" (October 1999) and the Sexual Offences (Amendment) Act 2000 which establishes a criminal offence of the abuse of trust, affecting teachers and other workers who are in a relationship of trust with 16-18 year olds.

A relationship of trust, for the purposes of this guidance, is one where a teacher, member of education staff or volunteer is in a position of power or influence over a pupil or student by virtue of the work or nature of the activity being undertaken.

It is important to recognise that child abuse may be physical, sexual or psychological and that it has been increasingly detected and brought to the attention of the general public in recent years.

Whilst many child abusers are known to the victim either as relatives or friends of the family, some meet children in other contexts and a small minority of these may gain access to children in schools as teachers or support staff or through their voluntary involvement in school activities.

Pupils should not feel inhibited from reporting any abuse against them by staff. This should be supported within the school's Personal, Health and Social Education curriculum. Reporting of abuse will include not only serious abuse but also any incident where a pupil has grounds to believe that a member of staff has crossed the boundary of acceptable behaviour. Headteachers working with staff generally will continue to do all they can to ensure that the environment within schools encourages truthful reports of any inappropriate behaviour.

It would be impossible and inappropriate to lay down hard and fast rules to cover all the circumstances in which staff relate to pupils and where opportunities for their conduct to be misconstrued might occur.

In all circumstances professional judgement will be exercised. For the vast majority of staff this code of conduct will serve only to confirm what has always been their practice. If staff have any doubts about the advice contained in this document they should consult their Headteacher.

From time to time, however, it is advisable for all staff to reappraise their relationships with pupils and their manner and approach to individuals and groups, to ensure that they give no grounds for any doubts in the minds of colleagues, pupils or parents.

2 Guidelines for Staff

2.1 Private meetings with pupils

- a) Staff should be aware of the dangers which may arise from private interviews with individual pupils. It is recognised that there will be occasions when confidential interviews must take place, but, where possible, such interviews should be conducted in a room with visual access, or with the door open, or in a room or area which is likely to be frequented by other people. Meetings with pupils away from the school premises should not occur unless the specific

approval of the headteacher has been obtained. If there is any pastoral contact outside school the matter must be discussed with the headteacher.

- b) Where such conditions cannot apply staff are advised to ensure that another adult knows that the interview is taking place. The use of "engaged" signs or lights is not advisable.
- c) Where possible another pupil or another adult should be present or nearby during the interview.
- d) A brief note should be made of any such private interviews in an appropriate pastoral file or record book. The date, time, purpose and content of the discussion should be noted for future reference in the event of a complaint being made.
- e) If a chance meeting should occur in a private situation (such as entering a classroom, store or preparation room that was thought to be unoccupied) staff are advised not to enter the room until the pupil has finished the task in hand and has left the room. Alternatively, if the circumstances permit, the pupil should be asked to finish the task immediately and leave the room before the member of staff enters.

2.2 Caring for pupils with particular problems

- a) Staff who have to administer first aid should ensure wherever possible that other children or another adult are present if they are in any doubt as to whether necessary physical contact could be misconstrued.
- b) Wherever possible staff who have to help children with toileting difficulties should be accompanied by another adult, and pupils should wherever possible be encouraged to change their own clothes. It is accepted that there will be some situations where pupils will present particular problems for staff and the emphasis will be on what is reasonable in all the circumstances.

2.3 Reporting incidents

Following any incident where a member of staff feels that his or her actions have been, or may be, misconstrued (s)he should discuss the matter with the headteacher. Where it is agreed with the headteacher, the member of staff should provide a written report of the incident. Where a member of staff has restrained a pupil physically it is especially important to follow the procedure set out in the Model Policy and Guidance on the Use of Force to Control or Restrain Pupils regardless of whether a complaint has been made by a pupil, parent or other adult.

2.4 Where physical contact may be acceptable

- a) There may be occasions where a distressed pupil needs comfort and reassurance which may include physical comforting such as a caring parent would give. Staff should use their discretion in such cases to ensure that what is, and what is seen to be by others present, normal and natural does not become unnecessary and unjustified contact, particularly with the same pupil over a period of time.
- b) Some staff are likely to come into physical contact with pupils from time to time in the course of their duties. Examples include: showing a pupil how to

use a piece of apparatus or equipment; demonstrating a move or exercise during games or PE, and contact activities at a youth club. Staff should be aware of the limits within which such contact should properly take place and of the possibility of such contact being misinterpreted.

- c) There may be occasions where it is necessary and important for staff to restrain a pupil physically to prevent him or her from inflicting injury to others or self-injury. The Model Policy and Guidance on the Use of Force to Control or Restrain Pupils should be studied and followed by all staff. Wherever possible, if restraint is felt to be required, the member of staff should seek the assistance of another member of staff. In all cases only the minimum force necessary may be used and any action taken must be to restrain the pupil. Where staff have taken action to restrain a pupil they should report the matter to the headteacher for record in the school logbook. This record should be signed by the member(s) of staff and the headteacher.
- d) The County Council's policy on violence at work and the guidance for employees on violence at work should be studied and followed by all staff. In addition, all incidents of threatened or actual abuse (of any description) against staff should be reported on the County Council's Violent Incident Report Form.

2.5 Physical contact with pupils

- a) Physical contact may be misconstrued by a pupil, parent or observer. Such contact can include well intentioned informal and formal gestures such as putting a hand on the shoulder or arm, which if repeated with an individual pupil could lead to serious questions being raised. Therefore as a general principle staff must not make gratuitous physical contact with their pupils and it is unwise to attribute touching to their teacher style or as a way of relating to pupils.
- b) Any form of physical punishment of pupils is unlawful as is any form of physical response to misbehaviour unless it can be shown to be by way of reasonable restraint as set out above. It is particularly important that staff understand this both to protect their own position and the overall reputation of the school.

2.6 Where conversations of a sensitive nature may be appropriate

- a) Many staff have a pastoral responsibility for pupils and in order to fulfil that role effectively there will be occasions where conversations will cover particularly sensitive matters. Staff must in these circumstances use their discretion to ensure that, for example, any probing for details cannot be construed as unjustified intrusion.
- b) Other staff in schools may from time to time be approached by pupils for advice. Pupils may also appear distressed and staff may feel the need to ask if all is well. In such cases staff must judge whether it is appropriate for them to offer support and advice or whether to refer the pupil to another member of staff who has appropriate counselling skills or who has acknowledged pastoral responsibility for the particular pupil.

2.7 Inappropriate comments and discussions with pupils

- a) As with physical contact, comments by staff to pupils either individually or in groups can be misconstrued. As a general principle therefore staff must not make unnecessary comments to or about pupils which could be construed to have a sexual connotation. It is also unacceptable for staff to introduce or encourage debate amongst pupils in class, or elsewhere, which could be construed as having a sexual connotation that is unnecessary given the context of the lesson, or the circumstances. At the same time it is recognised that a topic raised by a pupil is often best addressed briefly rather than ignored and this should be followed up by a more detailed discussion in a more appropriate setting.
- b) In responding when issues of a sexual nature are raised, staff should be aware of the school's policy and the law in relation to sex education.
- c) Systematic use of insensitive, disparaging or sarcastic comments is also unacceptable.

2.8 Choice and use of teaching materials

When using teaching materials of particularly sensitive nature staff should be aware of the danger that their selection could be misinterpreted and may be criticised after the event.

2.9 General relationship and attitudes

- a) Staff should not inform intimate relationships with individual pupils.
- b) Staff should avoid placing themselves in one-to-one situations with pupils and particularly with adolescent pupils where intentions may be misconstrued.
- c) Staff should ensure that their relationships with pupils are appropriate to the age and gender of the pupils, taking care that their conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when staff of either sex are dealing with adolescent boys and girls.

2.10 Educational visits and extra-curricular activities

- a) Schools should take steps to ensure an appropriate gender balance among the staff group when planning educational visits and extra-curricular activities.
- b) Staff should be particularly careful when supervising pupils in a residential setting such as a ski trip, outdoor education camp or extended visit away from home. Similarly the less formal approach adopted in extra curricular activities generally can be open to misinterpretation. Although more informal relationships in such circumstances tend to be usual, the standard of behaviour expected of staff will be no different from the behaviour expected within school.

2.11 Abuse of trust

This legislation is in place to protect young people in schools and colleges who are over the age of consent but less than 18 years of age. It is also intended to protect vulnerable adults who are in full-time education. The Home Office guidance points out that although young people of 16 or 17 can legally consent to some types of sexual activity, they may still be relatively immature emotionally. Indeed in many areas of law, for example the right to vote or the provisions of the Children Act 1989, they are still classed as children. The Home Office guidance further points out that although there is no precise definition of a vulnerable adult, there are groups of adults where relationships between the adults and their carers or teachers would be unacceptable where the relationship of trust exists. Examples of these would be in education provided for adults with learning disabilities, as part of psychiatric care, and in detention settings of all kinds.

A relationship of trust must not be distorted by fear or favour and those in positions of trust must exercise responsibility as a consequence of the power they have over those they care of. Where a relationship of trust exists, allowing a relationship to develop in a way that might lead to a sexual relationship is wrong. A sexual relationship will be intrinsically unequal within a relationship of trust and is therefore unacceptable. The principle applies equally without regard to age, gender, race, religion, sexual orientation or disability.

If a teacher or member of education staff or volunteer is concerned that he or she might be developing a relationship with a pupil or vulnerable adult which could have the potential to represent the abuse of trust, they must ensure that the relationship does not develop further. Workers who need advice about what might be a developing relationship should contact their trade union or professional association. Confidential advice may also be available from the head of department, other line manager, headteacher or Local Authority Designated Officer (LADO).

If a teacher or member of education staff or volunteer is concerned that a student or vulnerable adult is becoming attracted to them or that there is a developing attachment or dependency, they should record and report the situation and seek advice in accordance with the above paragraph. The code of conduct should be used to help staff avoid situations that may be misconstrued or misunderstood by others including the students or vulnerable adults; however, if a teacher or member of education staff or volunteer is concerned that their actions or words have been misunderstood or misconstrued by a student, vulnerable adult or others the same recording and reporting advice, previously detailed, should be followed.

Similarly, if a teacher, member of education staff or volunteer is concerned about the apparent development of a relationship by another teacher, member of education staff or volunteer, or receives a report from a student or vulnerable adult about such a relationship, it is important to record and report it.

The primary aim of raising any issue of concern must be to help prevent a situation developing which, if it does, is likely to have a detrimental impact on the person involved and potentially serious outcomes in terms of police investigation and/or disciplinary action that may possibly result in termination of employment and barring from further work with children and vulnerable adults.

Code of Conduct for Staff, Volunteers and Agency Workers Working with Young People

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