Code of Conduct

Guidance for safer working practice for those working or volunteering with Children and young people

Developed by
Gary Scargill – Workforce Safeguarding Quality Assurance Partner
Maxine Wood & Michelle Stephenson – Safeguarding Officers for Schools

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Context

The DfE website page relating to safeguarding arrangements in schools during the Coronavirus (COVID-19) pandemic says, "Whilst acknowledging the pressure that schools and colleges are under, it remains essential that as far as possible they continue to be safe places for children." This addendum is intended as a temporary supplement to the CODE OF CONDUCT - *Guidance for Safer Working Practice for those working with children and young people in education settings*.

Definitions

This document is a modification of the non-statutory 'guidance for safer working practice' 2019, an adaptation of the Safer Recruitment Consortium guidance document previously published for schools by the Department for Education and Skills (DfES).

References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all pupils, including those over the age of 18 years. 'Child' should therefore be read to mean any pupil at the education establishment.

References made to adults and staff refer to all those who work with children in either a paid or unpaid capacity (e.g. Volunteers).

This procedure should be applied in all situations where it is alleged that a person who works with children in a position of trust has:

- Behaved in a way which has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way which indicates that he/she may pose a risk to children.
- Behave or may behave in a way that indicates they may not be suitable to work with children.

This can relate to his/her employment or voluntary activity, or in relation to a person's private life were.

- Concerns arise about a person's behaviour regarding his/her own children.
- Concerns arise about the behaviour of a partner, member of the family or other household member.
- Where other information suggests they may pose a risk to any person that may demonstrate a transferable risk within their role with children.

References are made in this document to legislation and statutory guidance which differ dependent on the setting and alter over time. However, the behavioural principles contained within the document remain consistent, hence, wherever possible, such references have been removed in order that the document does not appear to quickly become out of date or to apply only to certain staff or settings.

Overview and purpose of guidance

It is recognised that most adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children in their care. Achieving these aims is not always straightforward, as much relies on child and staff interactions where tensions and misunderstandings can occur. This document aims to reduce the risk of these.

It is a document for those working with children to give guidance about their vulnerability and requested clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. Staff asked for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided.

The document seeks to ensure that the responsibilities of those working with children are discharged by raising awareness of illegal, unsafe, unprofessional, and unwise behaviour. It should assist staff to monitor their own standards and practice and reduce the risk of allegations being made against them. It is also recognised that not all people who work with children work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by any person whose work brings them into contact with children.

The guidance will also support employers in giving a clear message that unacceptable behaviour will not be tolerated and that, where appropriate, legal, or disciplinary action is likely to follow. Once adopted, as part of an establishment's staff behaviour policy, the school may refer to the document in any disciplinary proceedings.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that any 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 the guidance given by the employer. 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.

All staff have a responsibility to be aware of systems within their school which support safeguarding, and these should be explained to them as part of staff induction and in regular staff training sessions. This includes the school's child protection policy and staff code of conduct.

It must be recognised that some allegations will be genuine as there are people who seek out, create, or exploit opportunities to harm children. However, allegations may also be false or misplaced and may arise from differing perceptions of the same event. When they occur, they are inevitably distressing and difficult for all concerned. It is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them do so safely.

Underpinning principles

- The welfare of the child is paramount
- Staff should understand their responsibilities to safeguard and promote the welfare of children
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should work, and be seen to work, in an open and transparent way
- Staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded
- Staff should discuss and/or take advice promptly from their line manager if they have acted in a way which may give rise to concern
- Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief, and sexual orientation
- Staff must not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children
- Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or other Professional bodies.
- Staff in a profession or occupation working (paid or unpaid) with the vulnerable, including children are classed as in *'notifiable occupation'.*

These roles carry special trust or responsibility, in which the disclosure of information outweighs the normal duty of confidentiality owed to the individual. Therefore all staff must inform their employer immediately where they are;

II. Interviewed under caution,
III. Interviewed by a regulated agency

IV. bail conditions,
V. cautioned,
VI. or receive a conviction

the above list is not exhaustive and all staff have a responsibility to inform their employer immediately.

- Staff and managers should continually monitor and review practice to ensure this guidance is followed
- Staff should be aware of and understand their establishment's child protection policy, arrangements for managing allegations against staff, staff behaviour policy, whistle blowing procedure and the Multi Agency Partnership (MAP formerly LSCB) procedures.
- Concerns may relate to the person's behaviour at work, at home or in another setting. All references in this document to 'staff or members of staff' should be interpreted as meaning all paid or unpaid staff / professionals and volunteers, including for example foster carers, approved adopters, and child minders.
- If concerns arise about a staff's behaviour in relation to their own children (or children they have care of), and that person works (or volunteers) with children, the LADO should be informed.
- A child centred approach is fundamental to safeguarding and promoting the welfare of every child. A child centred approach means keeping the child in focus when making decisions about their lives and working in partnership with them and their families. *(Working Together to Safeguard Children 2018)*

How to use this document

This document is intended only to be guidance, each section provides general guidance about a particular aspect of work and, in the right-hand column, specific guidance about which behaviours should be avoided and which are recommended.
Some settings will have additional responsibilities arising from their regulations (E.g. Early Years Foundation Stage (EYFS), Quality Standards) or their responsibility towards young people over the age of 18. Not all sections of the guidance will, therefore, be relevant to all establishments.

1. Introduction

Adults have a crucial role to play in the lives of children. This guidance has been produced to help them establish the safest possible learning and working environments which safeguard children and reduce the risk of them being falsely accused of improper or unprofessional conduct.

This means that these guidelines:

- *apply to **all** adults working in Education and Early Years settings whatever their position, role, or responsibilities*

2. Status of document

This document should inform and assist employers to develop and review their guidelines on safer working practices. It may be used as reference by managers and Local Authority Designated Officers (LADO) when responding to allegations made against staff.

3. Duty of care

Staff are accountable for the way in which they: exercise authority; manage risk; use resources; and safeguard children.

All staff have a responsibility to keep pupils safe and to protect them from abuse (sexual, physical, and emotional), neglect and safeguarding concerns. Pupils have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure their safety and well- being. Failure to do so may be regarded as professional misconduct.

The safeguarding culture of a school is, in part, exercised through the development of respectful, caring, and professional relationships between adults and pupils and behaviour by the adult that demonstrates integrity, maturity and good judgement.

The public, local authorities, employers, and parents/carers will have expectations about the nature of professional involvement in the lives of children. When individuals accept a role working in an education setting, they should understand and acknowledge the responsibilities and trust involved in that role.

Employers have duties towards their employees and others under Health and Safety legislation which requires them to take steps to provide a safe working environment for staff.

Legislation also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of these guidelines.

This means that staff should:

- *understand the responsibilities which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached*
- *understand how to raise a concern and contact designated staff or partner agencies if they have a concern about a child, particularly if the arrangements have been amended*
- *always act, and be seen to act, in the child's best interests*
- *avoid any conduct which would lead any reasonable person to question their motivation and intentions*
- *take responsibility for their own actions and behaviour*

This means that employers should:

- *promote a culture of openness and support*
- *ensure that systems are in place for concerns to be raised*
- *ensure that adults are not placed in situations which render them particularly vulnerable*
- *ensure that all adults are aware of expectations, policies, and procedures*

This means that Managers / Proprietors/ Governing Bodies should:

- *ensure that appropriate safeguarding and child protection policies and procedures are distributed, adopted, implemented, and monitored*
- *update or amend your CP policy and other safeguarding policies in the light of DfE guidance on safeguarding children during the COVID pandemic.*
- *Ensure that if there is no trained DSL onsite, a senior member of staff is identified to lead on safeguarding issues*

4. Making professional judgements

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour which is illegal, inappropriate, or inadvisable. There will be rare occasions and circumstances in which staff must make decisions or act in the best interest of a pupil which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour to secure the best interests and welfare of the pupils in their charge and, in so doing, will be seen to be acting reasonably. These judgements should always be recorded and shared with a manager.

Adults should always consider whether their actions are warranted, proportionate, and safe and applied equitably.

This means that where no specific guidance exists staff should:

- *discuss the circumstances that informed their action, or their proposed action, with their line manager or, where appropriate, the school's designated safeguarding lead. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- *always discuss any misunderstanding, accidents or threats with the Head teacher or designated safeguarding lead*
- *always record discussions and actions taken with their justifications*
- *record any areas of disagreement and, if necessary, refer to another agency/the LA/Ofsted/TRA/DBS/HCPC/ other Regulatory Body*

5. Power and positions of trust and authority

As a result of their knowledge, position and/or the authority invested in their role, all those working with children in a school or education setting are in a position of trust in relation to all pupils on the roll.

The relationship between a person working with a child/child is one in which the adult has a position of power or influence. It is vital for adults to understand this power that the relationship cannot be one between equals and the responsibility they must exercise consequently.

The potential for exploitation and harm of vulnerable pupils means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff should always maintain appropriate professional boundaries, avoid behaviour which could be misinterpreted by others and report and record any such incident. This is as relevant in the online world as it is in the classroom; staff engaging with pupils and / or parents online have a responsibility to always model safe practice.

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 that child to engage in or watch sexual activity.

This means that staff should not:

- *use their position to gain access to information for their own advantage and/or a pupil's or family's detriment*
- *use their power to intimidate, threaten, coerce, or undermine pupils*
- *use their status and standing to form or promote relationships with pupils which are of a sexual nature, or which may become so*

6. Confidentiality

The storing and processing of personal information is governed by the General Data Protection Act 2017 (GDPR) and Data Protection Act 2018. Employers should provide clear advice to staff about their responsibilities under this legislation so that, when considering sharing confidential information, those principles should apply.

Staff may have access to special category personal data about pupils and their families which must be always kept confidential and only shared when legally permissible to do so and in the interest of the child. Records should only be shared with those who have a legitimate professional need to see them.

Staff 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). Information must never be used to intimidate, humiliate, or embarrass the child. Confidential information should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the pupil's identity does not need to be disclosed the information should be used anonymously.

There are some circumstances in which a member of staff may be expected to share information about a pupil, 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 safeguarding responsibilities.

If a child – or their parent / carer – makes a disclosure regarding abuse or neglect, the member of staff must follow the setting's procedures. The adult should not promise confidentiality to a child or parent but should give reassurance that the information will be treated sensitively.

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 the Designated Safeguarding Lead. Any media or legal enquiries should be passed to senior management.

This means that staff:

- *need to know the name of their Designated Safeguarding Lead and be familiar with Multi Agency Partnership (MAP formerly LCSB) child protection procedures and guidance*
- *are expected to treat information they receive about pupils and families in a discreet and confidential manner*
- *should seek advice from a senior member of staff (designated safeguarding lead) if they are in any doubt about sharing information they hold, or which has been requested of them*
- *need to be clear about when information can/ must be shared and in what circumstances*
- *need to know the procedures for responding to allegations against staff and to whom any concerns or allegations should be reported*
- *need to ensure that where personal information is recorded using modern technologies that systems and devices are kept secure*

7. Standards of behaviour

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

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

The Childcare (Disqualification) Regulations 2018 set out grounds for disqualification under the Childcare Act 2006 where a person meets certain criteria set out in the Regulations.

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

This means that staff should not:

- *behave in a manner which would lead any reasonable person to question their suitability to work with children or to act as an appropriate role model*
- *make, or encourage others to make sexual remarks to, or about, a pupil*
- *use inappropriate language to or in the presence of pupils*

- *discuss their personal or sexual relationships with or in the presence of pupils*
- *make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such*

This means that staff should:

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

This means that school leaders should:

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

The Disqualification under the Child Care Act 2006 (Regulations 2018) states the schools should make clear their expectations that staff should disclose any relationship or association (in the real world or online) that may impact on the school's ability to safeguard pupils. This applies to all staff in schools, not just those in early or later year's childcare.

8. **Dress and appearance**

A person's dress and appearance are matters of personal choice and self- expression and some individuals will wish to exercise their own cultural customs. However staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily different to that adopted in their personal life. Staff should ensure they are dressed decently, safely, and appropriately for the tasks they undertake; this also applies to online or virtual teaching or when working with small groups on site (in the case of schools who remain open to vulnerable children or those of critical workers). Those who dress or appear in a manner which could be viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegation.

This means that staff should wear clothing which:

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment, or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory*
- *is compliant with professional standards*
- *in online engagement, is like the clothing they would wear on a normal school day*

9. **Gifts, rewards, favouritism, and exclusion**

Settings should have agreements in place regarding the giving of gifts or rewards to pupils and the receiving of gifts from them or their parents/carers and staff should be made aware of and understand what is expected of them.

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.

There are occasions when pupils or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is usually 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 or their families. This could be interpreted as a gesture either to bribe or groom. It might also be perceived that a 'favour' of some kind is expected in return.

Any reward given to a pupil should be in accordance with agreed practice, consistent with the school or setting's behaviour policy, recorded and not based on favouritism.

Adults should exercise care when selecting children for specific activities, jobs, or privileges to avoid perceptions of favouritism or injustice. Similar care should be exercised when pupils are excluded from an activity. Methods of selection and exclusion should always be subject to clear, fair, agreed criteria.

This means that staff should:

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

10. Infatuations and 'crushes'

All staff need to recognise that it is not uncommon for pupils to be strongly attracted to a member of staff and/or develop a 'crush' or infatuation. They should make every effort to ensure that their own behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.

Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the Head teacher or most senior manager. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

The Head teacher (or senior manager) should give careful thought to those circumstances where the staff member, pupil and their parents/carers should be spoken to and should ensure a plan to manage the situation is put in place. This plan should respond sensitively to the child and staff member and maintain the dignity of all. This plan should involve all parties, be robust and regularly monitored and reviewed.

This means that staff should:

- *report any indications (verbal, written or physical) that suggest a pupil may be infatuated with a member of staff*
- *always maintain professional boundaries*

This means that senior managers should:

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

11. Social contact outside of the workplace

It is acknowledged that staff may have genuine friendships and social contact with parents of pupils, independent of the professional relationship. Staff should, however, also be aware that professionals who sexually harm children often seek to establish relationships and contact outside of the workplace with both the child and their parents, to 'groom' the adult and the child and/or create opportunities for sexual abuse.

It is also important to recognise that social contact may provide opportunities for other types of grooming such as for the purpose of sexual exploitation or radicalisation.

Staff should recognise that some types of social contact with pupils or their families could be perceived as harmful or exerting inappropriate influence on children, and may bring the setting into disrepute (e.g. attending a political protest, circulating propaganda)

If a pupil or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement. This also applies to social contacts made through outside interests or the staff member's own family.

Some staff may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the staff member or seeks support outside of their professional role this should be discussed with senior management and where necessary referrals made to the appropriate support agency.

This means that staff should:

- *always approve any planned social contact with pupils or parents with senior colleagues, for example when it is part of a reward scheme*
- *advise senior management of any regular social contact they have with a pupil which could give rise to concern*
- *refrain from sending personal communication to pupils or parents unless agreed with senior managers*
- *inform senior management of any relationship with a parent where this extends beyond the usual parent/professional relationship*
- *inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring*

12. Communication with children (including the use of technology)

To make best use of the many educational and social benefits of new and emerging technologies, pupils need opportunities to use and explore the digital world. Online Safety risks are posed more by behaviours and values than the technology itself.

Staff must ensure that they establish safe and responsible online behaviours, working to local and national guidelines and acceptable use policies which detail how new and emerging technologies may be used.

Communication with children both in the 'real' world and through web based and telecommunication interactions should take place within explicit professional boundaries. This includes the use of computers, tablets, phones, texts, e-mails, instant messages, social media such as Facebook and Twitter, chatrooms, forums, blogs, websites, gaming sites, digital cameras, videos, webcams, and other handheld devices. (Given the ever-changing world of technology it should be noted that this list gives examples only and is not exhaustive.)

Staff should not request or respond to any personal information from children other than which may be necessary in their professional role. They should ensure that their communications are open and transparent and avoid any communication which could be interpreted as 'grooming behaviour'

Staff should not give their personal contact details to children for example, e-mail address, home or mobile telephone numbers, details of web-based identities. If children locate these by any other means and

attempt to contact or correspond with the staff member, the adult should not respond and must report the matter to their manager. The child should be firmly and politely informed that this is not acceptable.

Staff should, in any communication with children, also follow the guidance in section 7 ‘Standards of Behaviour’.

Staff should adhere to their establishment’s policies, including those regarding communication with parents and carers and the information they share when using the internet.

This means that adults should:

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

13. **Physical contact**

There are occasions when it is entirely appropriate and proper for staff to have physical contact with children, however, it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil’s individual needs and any agreed care plan.

Not all children feel comfortable about certain types of physical contact; this should be recognised and, wherever possible, adults should seek the pupil’s permission before initiating contact and be sensitive to any signs that they may be uncomfortable *or* embarrassed. Staff should acknowledge that some pupils are more comfortable with touch than others and/or may be more comfortable with touch from some adults than others. 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 and/or form of communication which is acceptable to the pupil.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one pupil, in one set of circumstances, may be inappropriate in another, or with a different child.

Any physical contact should be in response to the child’s needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity, and background. Adults should, therefore, always use their professional judgement.

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 by them or a colleague could be misinterpreted, or if an action is observed which is possibly abusive the incident and circumstances should be immediately reported to the manager and recorded. Where appropriate, the manager should consult with the Local Authority Designated Officer (LADO).

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. Staff need to be aware that the child may associate physical contact with such experiences. They also should recognise that these pupils may seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively and help them to understand the importance of personal boundaries.

A general culture of ‘safe touch' should be adopted, where appropriate, to the individual requirements of each child. Pupils with disabilities 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 pupil’s needs, consistently applied and open to scrutiny.

This means that staff should:

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

This means that education settings should:

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

14. Other activities that require physical contact

In certain curriculum areas, such as PE, drama or music, staff may need to initiate some physical contact with children, for example, to demonstrate technique in the use of a piece of equipment, adjust posture, or support a child so they can perform an activity safely or prevent injury.

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear and undertaken with the permission of the pupil. Contact should be relevant to their age / understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil.

Guidance and protocols around safe and appropriate physical contact may be provided, for example, by sport's governing bodies and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent or carer.

It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers and pupils informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

This means that staff should:

- *treat pupils with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a pupil the reason why contact is necessary and what form that contact will take*
- *seek consent of parents where a pupil is unable to give this e.g. because of a disability*
- *consider alternatives, where it is anticipated that a pupil might misinterpret any such contact*
- *be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*
- *be aware of gender, cultural and religious issues that may need to be considered prior to initiating physical contact*

This means that schools/settings should:

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

15. **Intimate / personal care**

Schools and settings should have clear nappy or pad changing and intimate / personal care policies which ensure that the health, safety, independence, and welfare of children is promoted, and their dignity and privacy are respected. Arrangements for intimate and personal care should be open and transparent and accompanied by recording systems.

Pupils should be encouraged to act as independently as possible and to undertake as much of their own personal care as is possible and practicable. When assistance is required, this should normally be undertaken by one member of staff, however, they should try to ensure that another appropriate adult is in the vicinity who is aware of the task to be undertaken and that, wherever possible, they are visible and/or audible. Intimate or personal care procedures should not involve more than one member of staff unless the pupil's care plan specifies the reason for this.

A signed record should be kept of all intimate and personal care tasks undertaken and, where these have been carried out in another room, should include times left and returned.

Any vulnerability, including those that may arise from a physical or learning difficulty should be considered when formulating the individual pupil's health and education care plan. The views of parents, carers, and the pupil, regardless of their age and understanding, must be actively sought in formulating the plan and in the necessary regular reviews of these arrangements. Any changes to the care plan should be made in writing and without delay, even if the change in arrangements is temporary, e.g. staff shortages, changes to staff rotas during the pandemic, etc.

Intimate and personal care should not be carried out by an adult that the child does not know. Anyone undertaking intimate / personal care in an education setting is in regulated activity and must have been checked against the relevant DBS barred list, even if the activity only happens once; this includes volunteers. Volunteers and visiting staff from other schools should not undertake care procedures without appropriate training.

Pupils are always entitled to respect and privacy and especially when in a state of undress, including, for example, when changing, toileting and showering. However, there needs to be an appropriate level of supervision to safeguard pupils, 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.

This means that education settings should:

- *have written care plans in place for any pupil who could be expected to require intimate care update care plans in writing where appropriate, e.g. because there are changes to staff rotas, etc.*
- *ensure that pupils are actively consulted about their own care plan*
- *ensure that intimate / personal care is provided by staff known to the child*
- *ensure that only individuals that have been checked against the relevant DBS barred list are permitted to engage in intimate or personal care*
- *ensure that temporary or visiting staff have been trained in intimate and personal care procedures*

This means that staff should:

- *adhere to their organisation's intimate and personal care and nappy changing policies*
- *make other staff aware of the task being undertaken*
- *always explain to the pupil what is happening before a care procedure begins*
- *consult with colleagues where any variation from agreed procedure/care plan is necessary*

- *record the justification for any variations to the agreed procedure/care plan and share this information with the pupil and their parents/carers*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms announce their intention of entering*
- *always consider the supervision needs of the pupils and only remain in the room where their needs require this*

This means that adults should not:

- *change or toilet in the presence or sight of pupils*
- *shower with pupils*
- *allow any adult to assist with intimate or personal care without confirmation from senior leaders that the individual is not barred from working in regulated activity*
- *assist with intimate or personal care tasks which the pupil can undertake independently*

16. Behaviour management

Corporal punishment and smacking are unlawful in all schools and early years' settings.

Staff should not use any form of degrading or humiliating treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children is completely unacceptable.

Where pupils display difficult or challenging behaviour, adults must follow the schools or setting's behaviour and discipline policy using strategies appropriate to the circumstance and situation.

Where a pupil has specific needs in respect of particularly challenging behaviour, a positive handling plan, including assessment of risk, should be drawn up and agreed by all parties, including, for example, a medical officer where appropriate.

Senior managers should ensure that the establishment's behaviour policy includes clear guidance about the use of isolation and seclusion. The legislation on these strategies is complex and staff should take extreme care to avoid any practice that could be viewed as unlawful, a breach of the pupil's human rights and/or false imprisonment.

This means that staff should:

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

17. **The use of control and physical intervention**

Early years providers must take all reasonable steps to ensure that corporal punishment is not given by any person who cares for or is in regular contact with a child, or by any person living or working in the premises where care is provided. A person will not be taken to have used corporal punishment if the action was taken for reasons that include averting an immediate danger of personal injury to, or an immediate danger of death of, any person including the child.

The law and guidance for schools' states that adults may reasonably intervene to prevent a child from:

a. committing a criminal offence
b. injuring themselves or others
c. causing damage to property
d. engaging in behaviour prejudicial to good order and to maintain good order and discipline.

Care staff in residential special schools which are also registered as children's homes are not permitted to use physical intervention to maintain good order or discipline and should refer to the Children's Homes Regulations (England) 2015 for information.

Great care must be exercised in order that adults do not physically intervene in a manner which could be considered unlawful.

Under no circumstances should physical force be used as a form of punishment.

The use of unwarranted or disproportionate physical force is likely to constitute a criminal offence. Where the school or setting judges that a child's behaviour presents a serious risk to themselves or others, they must always put in place a robust risk assessment which is reviewed regularly and, where relevant, a physical intervention plan.

In all cases where physical intervention has taken place, it would be good practice to record the incident and subsequent actions and report these to a manager and the child's parents. (In a children's home it is a legal requirement to record such incidents.)

Similarly, where it can be anticipated that physical intervention is likely to be required, a plan should be put in place which the pupil and parents/carers are aware of and have agreed to. Parental consent does not permit settings to use unlawful physical intervention or deprive a pupil of their liberty.

This means that education settings should:

- *ensure that they have a lawful physical intervention policy consistent with local and national guidance*
- *regularly acquaint staff with policy and guidance*
- *ensure that staff are provided with appropriate training and support*
- *have an agreed policy for when and how physical interventions should be recorded and reported*

This means that staff should:

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

This means that staff should not

- *use physical intervention as a form of punishment*

18. **Sexual conduct**

Any sexual behaviour by a member of staff with or towards a pupil is unacceptable, illegal with a pupil under 18 years of age (if the member of staff is in a position of trust with that pupil) and will always be a matter for criminal and/or disciplinary action.

Pupils are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions depending on their age and understanding. This includes the prohibition of sexual activity with children by adults in a position of trust.

Sexual activity involves physical contact including penetrative and non- penetrative acts; however it also includes non-contact activities, such as causing pupils 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 purpose is to gain the trust of a child and manipulate the relationship so sexual abuse can take place. All staff should undertake appropriate training so they are fully aware of those behaviours that may constitute 'grooming' and of their responsibility to always report to a senior manager any concerns about the behaviour of a colleague which could indicate that a pupil is being groomed.

This means that staff should:

- *not have any form of sexual contact with a pupil from the school or setting*
- *avoid any form of touch or comment which is, or may be, indecent*
- *avoid any form of communication with a pupil which could be interpreted as sexually suggestive, provocative or give rise to speculation e.g. verbal comments, letters, notes, by email or on social media, phone calls, texts, physical contact*
- *not make sexual remarks to or about a pupil*
- *not discuss sexual matters with or in the presence of pupils other than within agreed curriculum content or as part of their recognised job role*

19. **One to one situation**

Staff working in one-to-one situations with pupils at the setting, including visiting staff from external organisations can be more vulnerable to allegations or complaints.

To safeguard both pupils and adults, a risk assessment in relation to the specific nature and implications of one-to-one work should always be undertaken. Each assessment should consider the individual needs of each pupil and should be reviewed regularly.

Arranging to meet with pupils from the school or setting away from the work premises should not be permitted unless the necessity for this is clear and approval is obtained from a senior member of staff, the pupil, and their parents/carers.

During the current school closures, the DfE suggests that if there is only one vulnerable child or child of a critical worker, the school should consider closing, and liaise with the local authority to identify alternative provision, e.g., at a hub school. If the school must remain open with only one or two children, there should be more than one member of staff to meet fire safety, first aid, supervision, and other emergency procedures.

This means that staff should:

- *work one to one with a child only where necessary and with the knowledge and consent of senior leaders and parents/carers*
- *be aware of relevant risk assessment, policies, and procedures*
- *ensure that wherever possible there is visual access and/or an open door in one-to-one situations*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a pupil becomes distressed, anxious, or angry*
- *consider the needs and circumstances of the pupil involved*

This means school leaders should:

- keep pupil numbers under constant review
- *ensure that risk assessments and emergency procedures are reviewed in the event of lone working / very small numbers on site*

- *liaise with the LA on suitable alternative provision if the school needs to close due to very low pupil numbers*

20. **Home visits**

All work with pupils and parents should usually be undertaken in the school or setting or other recognised workplace. There are however occasions, in response to an urgent, planned, or specific situation or job role, where it is necessary to make one-off or regular home visits.

In the current situation, some settings may ask staff to undertake welfare visits, particularly in the EYFS or to primary age children. Settings should consider the advice of their local authority early years' service and / or MAP when deciding whether these home visits are proportionate and desirable. Staff will normally undertake home visits with a colleague.

Staff undertaking welfare visits should always try to give parents / carers advance warning unless there is good reason not to, e.g. because the visit has been prompted by safeguarding concerns and / or is at the request of children's social care. In these cases, one of the staff undertaking the visit should be a Designated safeguarding lead or deputy safeguarding person. The purpose of the visit should be clarified, and staff should be aware of the circumstances in which emergency services or partner agencies should be contacted.

It is essential that appropriate policies and related risk assessments are in place to safeguard both staff and pupils, who can be more vulnerable in these situations.

A risk assessment should be undertaken prior to any planned home visit taking place. The assessment should include an evaluation of any known factors regarding the pupil, parents/carers and any others living in the household. Consideration should be given to any circumstances which might render the staff member becoming more vulnerable to an allegation being made e.g. Hostility, child protection concerns, complaints, or grievances. Specific thought should be given to visits outside of 'office hours' or in remote or secluded locations. Following the assessment, appropriate risk management measures should be put in place before the visit is undertaken. In the unlikely event that little or no information is available, visits should not be made alone.

This means that staff should:

- *agree the purpose for any home visit with their manager*
- *have a clear understanding of the actions that should be taken if it is believed that a child or parent is at immediate risk of harm, including when to contact emergency services and/ or partner agencies*
- *adhere to agreed risk management strategies*
- *avoid unannounced visits wherever possible*
- *ensure there is visual access and/or an open door in one-to-one situations*
- *Always observe social distancing*
- *except in an emergency, never enter a home without the parent or carer's consent or when the parent is absent*
- *always make detailed records including times of arrival and departure*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager*

This means that education settings should:

- *ensure that they have home visit and lone-working policies which all adults are made aware of. These should include arrangements for risk assessment and management*
- *ensure that policies reflect any procedures or guidance issues by the MAP in relation to undertaking home visits*
- *ensure that all visits are justified and recorded*
- *ensure that staff understand the purpose and limitations of welfare visits*

- *ensure that staff are not exposed to unacceptable risk*
- *make clear to staff that, other than in an emergency, they should not enter a home if the parent/carer is absent*
- *ensure that staff have access to a mobile telephone and an emergency contact*

21. **Transporting pupils**

In certain situations staff or volunteers may be required or offer to transport pupils as part of their work. As for any other activity undertaken at work, the employer has a duty to carry out a risk assessment covering the health and safety of their staff and to manage any known risks.

Staff should not offer lifts to pupils unless the need for this has been agreed by a manager. A designated member of staff should be appointed to plan and Provide oversight of all transport arrangements and respond to any concerns that may arise.

Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles and with at least one adult additional to the driver acting as an escort.

It is a legal requirement that all passengers wear seatbelts and the driver should ensure that they do so. They should also be aware of and adhere to current legislation regarding the use of car seats for younger children.

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 carrying capacity is not exceeded.

Staff should never offer to transport pupils outside of their normal working duties, other than in an emergency or where not doing so would mean the child may be at risk. In these circumstances the matter should be recorded and reported to both their manager and the child's parent(s). The school's health and safety policy and/or educational visits policy should set out the arrangements under which staff may use private vehicles to transport pupils.

This means that staff should:

- *plan and agree arrangements with all parties in advance*
- *respond sensitively and flexibly where any concerns arise*
- *consider any specific or additional needs of the pupil*
- *have an appropriate license/permit for the vehicle*
- *ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/ or ability to drive*
- *ensure that if they need to be alone with a pupil this is for the minimum time*
- *be aware that the safety and welfare of the pupil is their responsibility until this is safely passed over to a parent/career*
- *report the nature of the journey, the route and expected time of arrival in accordance with agreed procedures*
- *ensure that their behaviour and all arrangements ensure vehicle, passenger, and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven*
- *ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified*
- *refer to Local and National guidance for educational visits*

22. **Educational visits**

Staff who are responsible for organising educational visits should be familiar with the Department for Education's advice on Health and Safety.

Staff should take particular care when supervising pupils in the less formal atmosphere of an educational visit or Prom where a more relaxed discipline or informal dress and language code may be acceptable.

However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out of school or setting activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, adults, and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings must pay careful attention to ensuring safe staff/child ratios and to the gender mix of staff.

All schools and education providers should have a Health and Safety policy. As part of this policy, staff should keep colleagues/employers aware of their whereabouts, especially when working off site or involved in an educational visit

The Management of Health and Safety at Work Regulations (1999) impose a duty on employers to produce suitable and sufficient risk assessments. This would include assessment of any risks to employees, children or others during an educational visit, and the measures that should be taken to minimise these risks.

This means that staff should:

- *adhere to their organisation's educational visits guidance*
- *always have another adult present on visits, unless otherwise agreed with senior staff*
- *undertake risk assessments*
- *have parental consent to the activity*
- *ensure that their behaviour always remains professional*
- *never share beds with a child/pupil*
- *never share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with Head teacher, parents, and pupils*
- *refer to local and national guidance for educational visits, including exchange visits (both to the UK and abroad)*

23. **First Aid and medication**

All settings should have an adequate number of qualified first aiders. Parents should be informed when first aid has been administered.

Any member of school staff may be asked to become a qualified first-aider or to provide support to pupils with medical conditions, including the administering of medicines, but they cannot be required to do so unless this forms part of their contract of employment.

Staff should receive sufficient and suitable training and achieve the necessary level of competency before they take on responsibility to support children with medical conditions.

Advice on managing medicines is included in the statutory guidance on supporting pupils at school with medical conditions. In circumstances where a
pupil needs medication regularly; this would usually be recorded in their individual healthcare plan. This provides details of the level and type of support a child needs to effectively manage their medical condition in school and should include information about the medicine to be administered, the correct dosage and any storage requirements.

After discussion with parents, children who are competent should be encouraged to take responsibility for managing their own medicines and procedures. This could include for example, the application of any ointment or sun cream, or use of inhalers or EpiPens.

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 Designated Safeguarding Lead.

Adults taking medication which may affect their ability to care for children should seek medical advice regarding their suitability to do so and providers should ensure that they only work directly with children if that advice confirms that the medication is unlikely to impair their ability to look after children. Employers are also responsible for managing the performance of their employees and for ensuring they are suitable to work with children.

Risk assessment is likely to recommend that staff medication on the premises must be securely always stored and out of reach of children

The above narrative of section 23 still stands. However, it is worth noting that in exceptional circumstances, the *Managing Health & Safety at Work Regulations* do allow an organisation to function without any member of staff being trained in 'First Aid at Work'. If a school has no trained first aider due to COVID-19, it is the responsibility of school leaders and/ or the employer to identify a senior person on site each day to lead on any crisis or serious incident including the provision of first aid. This decision should be supported by a risk assessment that considers the number of staff, children and / or other visitors on site, the proximity of emergency services, any risks presented, etc. Risks should be minimised as much as possible, for example by not undertaking high risk or adventurous activities.

Staff whose 'first aid at work' training is about to or has expired since 16th March 2020 should be aware that the HSE has agreed an extension of 3 months for renewal.

Depending on the ages of the children accessing the provision, there may need to be at least one person always trained in paediatric first aid when children are on site.

This means that education settings should:

- *ensure there are trained and named individuals to undertake first aid responsibilities, including paediatric first aid if relevant*
- *if there is no member of staff available who has completed 'first aid at work' training, identify a senior person to be responsible each day*
- *review and renew first aid, medicines in school and crisis / emergency policies and relevant risk assessments*
- *ensure training is regularly monitored and updated*
- *refer to local and national First Aid guidance and guidance on meeting the needs of children with medical conditions that adults should:*
- *adhere to the school or setting's health and safety and supporting pupils with medical conditions policies*
- *make other staff aware of the task being undertaken*
- *have regard to pupils' individual healthcare plans*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*
- *explain to the pupil what is happening.*
- *always act and be seen to act in the pupil's best interest*
- *make a record of all medications administered*
- *not work with pupils whilst taking medication unless medical advice confirms that they are able to do so*

24. Photography, videos, and other images

Many educational activities involve recording images. These may be undertaken for displays, publicity, to celebrate achievement and to provide records of evidence of the activity. Under no circumstances should staff be expected or allowed to use their personal equipment to take images of pupils at or on behalf of the school or setting.

All settings should have arrangements about the taking and use of images, which is linked to their safeguarding and child protection policy. This should cover the wide range of devices which can be used

for taking/recording images e.g. cameras, mobile-phones, smart phones, tablets, webcams etc. and arrangements for the use of these by both staff, parents, and visitors.

Whilst images are regularly used for very positive purposes adults need to be aware of the potential for these to be taken and/or misused or manipulated for pornographic or 'grooming' purposes. Regard needs to be given when images are taken of young or vulnerable children who may be unable to question why or how the activities are taking place.

Pupils who have been previously abused in a manner that involved images may feel particularly threatened using photography, filming etc. Staff should remain sensitive to any pupil who appears uncomfortable and should recognise the potential for misinterpretation.

Making and using images of pupils will require the age-appropriate consent of the individual concerned and their parents/carers. 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 setting have access.

For the protection of children, it is recommended that when using images for publicity purposes that the following guidance should be followed:

- if the child is named, avoid using their image
- if the image is used, avoid naming the child, (or, as a minimum, use first names rather than surnames)
- schools and settings should establish whether the image will be retained for further use, where and for how long
- images should be securely stored and used only by those authorized to do so.
- For staff who are parents at the same school it is advisable to upload only images of their child/children to social media.

This means that staff should:

- *adhere to their establishment's policy*
- *only publish images of pupils where they and their parent/carer have given explicit written consent to do so*
- *only take images where the pupil is happy for them to do so*
- *only retain images when there is a clear and agreed purpose for doing so*
- *store images in an appropriate secure place in the school or setting*
- *ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose*
- *be able to justify images of pupils in their possession*
- *avoid making images in one-to-one situations*

This means that adults should not:

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

25. Use of technology for online / virtual teaching

The narrative of section 24 remains relevant. However, there has been a sharp increase in the use of technology for remote learning since March 2020 and this addendum provides some basic guidelines for staff

and school leaders.

All settings should review their online safety and acceptable use policies and amend these if necessary, ensuring that all staff involved in virtual teaching or the use of technology to contact pupils are briefed on best practice and any temporary changes to policy / procedures.

When selecting a platform for online / virtual teaching, settings should satisfy themselves that the provider has an appropriate level of security. Wherever possible, staff should use school devices and contact pupils only via the pupil school email address / log in. This ensures that the setting's filtering and monitoring software is enabled.

In deciding whether to provide virtual or online learning for pupils, senior leaders should consider issues such as accessibility within the family home, the mental health and wellbeing of children, including screen time, the potential for inappropriate behaviour by staff or pupils, staff access to the technology required, etc. Virtual lessons should be timetabled and senior staff, DSL and / or heads of department should be able to drop into any virtual lesson at any time – the online version of entering a classroom.

Staff engaging in online learning should display the same standards of dress and conduct that they would in the real world; they should also role model this to pupils and parents. The following points should be considered: -

- think about the background; photos, artwork, identifying features, mirrors – ideally the backing should be blurred
- staff and pupils should be in living / communal areas – no bedrooms
- staff and pupils should be fully dressed
- filters at a child's home may be set at a threshold which is different to the school
- resources / videos must be age appropriate – the child may not have support immediately to hand at home if they feel distressed or anxious about content

It is the responsibility of the staff member to act as a moderator; raise any issues of suitability (of dress, setting, behaviour) with the child and / or parent immediately and end the online interaction if necessary, recording lessons does not prevent abuse. If staff wish to record the lesson they are teaching, consideration should be given to data protection issues, e.g., whether parental / pupil consent is needed and retention / storage. If a staff member believes that a child or parent is recording the interaction, the lesson should be ended or that child should be logged out immediately. Staff, parent, and pupil AUPs should clearly state the standards of conduct required.

If staff need to contact a pupil or parent by phone and do not have access to a work phone, they should discuss this with a senior member of staff and, if there is no alternative, always use 'caller withheld' to ensure the pupil / parent is not able to identify the staff member's personal contact details.

This means that senior leaders should:

- review and amend their online safety and acceptable use policies to reflect the current situation
- ensure that all relevant staff have been briefed and understand the policies and the standards of conduct expected of them
- have clearly defined operating times for virtual learning
- consider the impact that virtual teaching may have on children and their parents/ carers / siblings
- determine whether there are alternatives to virtual teaching in 'real time' – e.g., using audio only, pre-recorded lessons, existing online resources
- be aware of the virtual learning timetable and ensure they have the capacity to join a range of lessons
- consider any advice published by the local authority, MAP, or their online safety / monitoring software provider

This means that staff should:

- adhere to their establishment's policy
- be fully dressed
- ensure that a senior member of staff is aware that the online lesson / meeting is taking place and for what purpose

- avoid one to one situation – request that a parent is present in the room for the duration, or ask a colleague or member of SLT to join the session
- only record a lesson or online meetings with a pupil where this has been agreed with the head teacher or other senior staff, and the pupil and their parent/carer have given explicit written consent to do so
- be able to justify images of pupils in

This means that adults should not:

- contact pupils outside the operating times defined by senior leaders
- take or record images of pupils for their personal use
- record virtual lessons or meetings using personal equipment (unless agreed and risk assessed by senior staff)
- engage online while children are in a state of undress or semi-undress

26. **Exposure to inappropriate images**

Staff should take extreme care to ensure that children and young people are not exposed, through any medium, to inappropriate or indecent images.

There are no circumstances that will justify adults: making, downloading, possessing, or distributing indecent images or pseudo-images of children (child abuse images). Accessing these images, whether using the settings or personal equipment, on or off the premises, or making, storing, or disseminating such material is illegal.

If indecent images of children are discovered at the establishment or on the school or setting's equipment an immediate referral should be made to the LADO, and the police contacted if relevant. The images/equipment should be secured and there should be no attempt to view or delete the images as this could jeopardise necessary criminal action. If the images are of children known to the school, a referral should also be made to children's social care in line with local arrangements.

Under no circumstances should any adult use school or setting equipment to access pornography. Personal equipment containing pornography or links to it should never be brought into or used in the workplace. This will raise serious concerns about the suitability of the adult to continue working with children and young people.

Staff should keep their passwords confidential and not allow unauthorised access to equipment. In the event of any indecent images of children or unsuitable material being discovered on a device the equipment should not be tampered with in any way. It should be secured and isolated from the network, and the L A DO contact without delay. Adults should not attempt to investigate the matter or evaluate the material themselves as this may lead to a contamination of evidence and a possibility, they will be at risk of prosecution themselves.

This means that staff should:

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

26. **Curriculum**

Many areas of the curriculum can include or raise subject matter which is sexually explicit or of a political or 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 can be supported by developing ground rules with pupils to ensure sensitive topics can be discussed in a safe learning environment. This

plan should highlight areas of risk and sensitivity and care should especially be taken in those areas of the curriculum where usual boundaries or rules are less rigorously applied e.g. drama

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit, political, or otherwise sensitive nature. Responding to children's questions requires careful judgement and staff should take guidance in these circumstances from the Designated Safeguarding Lead.

Care should be taken to comply with the setting's policy on spiritual, moral, social, cultural (SMSC) which should promote fundamental British values and be rigorously reviewed to ensure it is lawful and consistently applied. Staff should also always comply with the policy for relationships and sex education (RSE).

This means that staff should:

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

This means that adults should not:

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

27. **Whistleblowing**

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Education settings should have a clear and accessible whistleblowing policy that meets the terms of the Public Interest Disclosure Act 1998. Staff who use whistle blowing procedure should have their employment rights protected.

Staff should recognise their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies and that to not do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

Staff should be reminded of the routes for raising concerns during school closure or part closure, including how to escalate their concern if the normal routes for whistleblowing are impeded by the absence/ illness of senior managers

This means that schools and settings should:

- *have a whistleblowing policy in place which is known to all*
- *and which has been reviewed / amended considering the current pandemic*

This means that staff should:

- *know how to contact the LADO and Ofsted/regulatory body directly if required*
- *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 setting*

28. Low level concerns

As set out in Part two of KCSIE 2021 governing bodies and proprietors should set out their low-levelconcerns policy within their staff code of conduct. The governing body or proprietor should ensure their staff code of conduct, is implemented effectively, and ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school or college approach to dealing with **any** concerns.

Low-level concerns about a member of staff should be reported to the designated safeguarding lead (or deputy). Where a low-level concern is raised about the designated safeguarding lead, it should be shared with the headteacher or principal.

Where a low-level concern relates to a person employed by a supply agency or acontractor to work in a school or college, that concern should be shared with the designated safeguarding lead (or deputy), and/or headteacher, and their employer notified about the concern, so that any potential patterns of inappropriate behaviour can be identified.

Responding to low-level concerns

When addressing Low Level concerns you should seek to provide a responsive, sensitive, and proportionate response when handling such concerns.

Concerns about safeguarding should be reported to the designated safeguarding lead or their deputy. Where the concern has been raised via a third party, the designated safeguarding lead should collect as much evidence as possible by speaking:

- directly to the person who raised the concern unless it has been raised anonymously.
- to the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour anddetermine what further action may need to be taken. All this needs to be recorded along with the rationale for their decisions and action taken**.**

Recording low-level concerns

All low-level concerns should be recorded in writing by the designated safeguarding lead (or deputy). The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

Schools and colleges must keep these records are kept confidential, held securely, and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)

Records should be reviewed so that potential patterns of concerning, problematicor inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meetingthe harms threshold, in which case it should be referred to the LADO.

References

You should only include LADO substantiated safeguarding allegations in references. Low level concerns should not be included in references unless a low-level concern (or group of low-level concerns) has met the threshold for referral to the LADO and found tbe substantiated, only then should it be referred to in a reference.

What is a low-level concern?

The term 'low-level' concern does not mean that it is insignificant, a low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children.
- having favourites.
- taking photographs of children on their mobile phone.
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating, or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.
It is crucial that any such concerns, including those which do not meet the LADO allegation/ risk of harm threshold, are shared responsibly and with the right person, and recorded and dealt with appropriately.

Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

This means that schools and settings should:

- *be familiar with their establishments arrangements for reporting and recording concerns and allegations*
- *have, as part of their safeguarding and child protection policy, clear procedures for dealing with allegations against persons working in or on behalf of the school or setting*
- *know how to contact the LADO and Ofsted/regulatory body directly if required*

This means that education settings should:

- *have an effective and confidential system for recording and managing concerns raised by any individual regarding adults conduct and any allegations against staff and volunteers*

31. Managing Low level concerns flow chart

Education, School settings Managing Lo