



# Staff Code of Conduct

## Thakeham Primary School

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Signed

Headteacher: *S. Norton*

Chair of Governors: *Judith James*

## Thakeham Primary School Code of Conduct

### Overview

The vast majority of adults who work with children in education settings act professionally. They seek to provide a safe and supportive environment, which secures the well-being and very best outcomes for children and young people in their care. It is recognised that achieving these aims is not always straightforward. Much relies on pupil and staff interactions where tensions and misunderstandings can occur. It is here that staff behaviours can give rise to allegations being made against them. Allegations may be genuine, malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.

This document sets out a Code of Conduct for Thakeham Primary School staff members about which behaviours constitute safe practice and which should be avoided. It seeks to ensure that the duty of care towards pupils and staff is promoted by raising awareness of illegal, unsafe and unwise behaviour. It is hoped that it will also assist staff to monitor their understanding on standards and practice.

The guidance will also support employers in giving a clear message that unlawful or unsafe behaviour will not be tolerated and that where appropriate, legal or disciplinary action is likely to follow. This policy draws on the WSCC Standards of Conduct document for all employees.

### Underpinning Principles

- The welfare of the child is paramount.
- 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 discuss and/or take advice promptly from their line manager or another senior member of staff over any incident, which may give rise to concern.
- Records should be made of any such incident and of decisions made/further actions agreed, in accordance with other school policies for keeping and maintaining records, for example safeguarding, disciplinary, grievance, acceptable use of IT etc
- Staff should apply the same professional standards regardless of gender or sexuality.
- The Designated Safeguarding Lead is Sam Norton (Headteacher) and the Deputy DSL is Emma Hopkins.
- Staff should be familiar with our Safeguarding and Child Protection Policy and arrangements and understand their responsibilities to safeguard and protect children and young people.
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.

### 1. Duty of Care

All staff are accountable for the way in which they exercise authority; manage risk; use resources; and protect pupils from discrimination and avoidable harm. All staff, whether paid or voluntary have a duty to keep young people safe and to protect them from physical and emotional harm. This duty is in part exercised through the development of respectful, caring and professional relationships between staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgement.

Equally, employers have a duty of care towards their employees under the Health and Safety at Work Act 1974 which requires them to provide a safe working environment for staff and guidance

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about safe working practices. An employer's duty of care and the staff duty of care towards children should not conflict.

### **2. Exercise of Professional Judgement**

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour that is illegal, inappropriate or inadvisable. There will be occasions and circumstances in which staff have to make decisions or take action in the best interest of the child which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the child/ren in their charge and in so doing, will be seen to be acting reasonably.

### **3. Power and Positions of Trust**

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people in education settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Wherever possible, staff should avoid behaviour, which might be misinterpreted by others, and report and record any incident with this potential.

### **4. Confidentiality**

Members of staff may have access to confidential information about pupils in order to undertake their every day responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a pupil or her/his family for their own, or theirs' advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the pupil.

Confidential information about a child or young person should never be used casually in conversation or shared with any person other than on a need to know basis. In circumstances where the child's identity does not need to be disclosed the information should be used anonymously.

There are some circumstances in which a member of staff may be expected to share information about a child, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated child protection responsibilities.

Under no circumstances should a member of staff answer questions or respond to conversations with a parent/member of the public or share with others information or observations of a child on any level e.g. behaviour, welfare, or academic progress:

- (i) when the parent and child are not directly related
- (ii) when the situation occurs outside of the classroom, this includes discussions on the playground, outside of school, whether in person or through any social media (see Staff Acceptable Use Policy/E-Safety Policy/School Technical Security Policy)

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Any queries relating to children should always be directed to the classteacher in the first instance and or the Headteacher.

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 Headteacher or Assistant Headteacher. Any media or legal enquiries should be passed to the Headteacher.

The **Data Protection Act** 2018 is the UK's implementation of the General **Data Protection** Regulation (GDPR). Everyone responsible for using personal **data** has to follow strict rules called '**data protection principles**'. The storing and processing of personal information about pupils is governed by this. See our Data Protection Policy for further details on how we ensure compliancy of the General Data Protection Regulation (GDPR).

### **5. Propriety and Behaviour**

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, pupils and the public in general.

An individual's behaviour, either in or out of the workplace, should not compromise her/his position within the work setting.

The standards for Qualified Teacher Status, recognises that 'Teachers support the place of school in the community and appreciate the importance of their own professional status in society.' They recognise that professionalism involves using judgement over appropriate standards of personal behaviour'.

### **6. Dress and Appearance**

A person's dress and appearance are matters of personal choice and self-expression. However staff should consider the manner of dress and appearance appropriate to their professional role which may be different to that adopted in their personal life. Hence at Thakeham Primary School jeans (of any colour) should not be worn. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegation. Suitability and safety of footwear should also be carefully considered as part of this.

### **7. Gifts**

It is against the law for public servants to take bribes. Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Similarly, any rewards given to a young person should be agreed practice within the establishment, consistent with the school's behaviour policy, recorded and not based on favouritism.

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### **8. Social Contact**

Staff should not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. Staff should not give their personal details such as home/mobile phone number; home or e-mail address etc. to pupils unless the need to do so is agreed with the Headteacher. Please see our E-Safety policy.

### **9. Physical Contact**

There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role.

A 'no touch' approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background. Appropriate physical contact in schools may occur most often with younger pupils.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Staff should therefore, use their professional judgement at all times.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded and given to the Headteacher.

Physical contact, which occurs regularly with an individual child or young person, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be agreed and subject to review. Where feasible, staff should seek the child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or feelings and –so far as is possible – use a level of contact which is acceptable to the child for the minimum time necessary.

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to staff being vulnerable to allegations of abuse. It is recognised that many such children are extremely needy and seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively by helping them to understand the importance of personal boundaries.

The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each child. All guidance from DfE regarding Covid-19 must be followed in respect of this and must take priority.

Please see our Intimate Care Policy, Behaviour Policy and Positive Handling Policy.

### **10. Physical Education and other activities**

Some staff, for example, those who teach PE and games, or who offer music tuition will on occasions have to initiate physical contact with pupils in order to support a child so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the pupil's agreement.

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

Guidance from DfE and the school's risk assessment outline any action to be taken regarding Covid-19.

### **11. Pupils in Distress**

There may be occasions when a distressed pupil needs comfort and reassurance. This may include age – appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.

Where a member of staff has a particular concern about the need to provide this type of care and reassurance s/he should seek further advice from the Headteacher/Assistant Headteacher.

Wherever possible, reassurance should be provided to children verbally and physical contact be kept to a minimum to reduce the transmission of Covid-19.

### **12. Behaviour Management**

All pupils have a right to be treated with respect and dignity. Corporal punishment is unlawful in all schools. Equally, staff should not use any form of degrading treatment to punish a pupil. At Thakeham Primary School we follow a Therapeutic Thinking Approach to behaviour - see the school's Behaviour Policy and Positive Handling Policy. The use of sarcasm, demeaning or insensitive comments towards pupils is not acceptable in any situation.

### **13. Care, Control and Physical Intervention**

The circumstances in which staff can intervene with a pupil are covered by the 1996 Education Act. Staff may legitimately intervene to prevent a pupil from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behavior prejudicial to good order and to maintain good order and discipline. Staff should have regard to the health and safety of themselves and others. Under these circumstances staff are required to call a trained member of staff to assist with the situation. Members of staff who have undergone positive handling (Team Teach) training are: Mrs Norton, Mrs Mullineux, Miss Brown and Mrs Younger.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence.

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

### **14. One to one Situations**

Staff working in one to one situations with children and young people may be more vulnerable to allegations. Teachers and others should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure the safety and security needs of both staff and pupils are met.

Staff or volunteers should conduct one to one sessions, mostly reading, in areas around school that are near the classroom with the classroom door open or in the library which is an open area with

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many adults and children passing through. One to one sessions in a closed classroom are inadvisable and teachers should not ask support or volunteer staff to work with a child in this situation.

Please see our Intimate Care Policy and Positive Handling Policy.

### **15. Transporting Children**

At Thakeham we advise that staff members should not transport children for any school events/business on their own. Parents with relevant checks (see Driving Policy) are one option and if staff are to transport pupils then another member or other adult e.g. parent should be with the child. Please see the school's Driving Policy.

### **16. Educational Visits and After School Clubs etc.**

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

During school activities that take place off the school site or out of school hours, 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 activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, staff and parents should be informed of these prior to the start of the trip. Drinking alcohol during the evening during such visits is deemed unacceptable as staff may be called to support or intervene in an incident involving our pupils, and must be in a fit state to deal appropriately with the situation.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in an out of school activity. Staff must be aware of and follow guidance, especially during times of COVID-19 restrictions and adhere to our school risk assessment and DfE guidance.

### **17. First Aid and Administration of Medication**

At Thakeham most TAs have undergone First Aid Training and the appointed persons are Mrs Younger and Mrs Bowbrick. Staff should receive appropriate training before administering first aid or medication. Please see our Medicines Policy and First Aid Policy. We have 9 members of staff who have Paediatric training which is needed for children under the age of 5.

If medicine needs to be administered to a pupil the parent/carer must complete the appropriate form available from the school office and generally the medicine must be prescribed by a Doctor (see Medicines Policy). Staff are advised that when administering medicine, the member of staff should ensure that another adult is present, or aware of the action being taken. Medicines administered should be logged on the appropriate form in the medicines cupboard. Parents should always be informed when first aid has been administered. With the permission of parents, the children should be encouraged to administer the medication themselves (supervised). See our First Aid Policy.

Our school's COVID-19 risk assessment must be adhered to for provision of First Aid.

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### **18. Intimate Care**

All children have a right to safety, privacy and dignity when contact of an intimate nature is required (for example assisting with toileting or removing wet/soiled clothing). Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. When assistance is required, staff should ensure that another appropriate adult is in the vicinity and is aware of the task to be undertaken.

Additional vulnerabilities that may arise from a physical disability or learning difficulty should be considered with regard to individual teaching and care plans for each child. As with all arrangements for intimate care needs, agreements between the child, their parents/carers and the organisation must be negotiated, agreed and recorded. In addition, the views and/or emotional responses of children with special educational needs, regardless of age and ability must be actively sought in regular reviews of these arrangements. See our Intimate Care Policy.

See COVID-19 risk assessment.

### **19. Curriculum**

Areas of the curriculum can include or raise subject matter which is of a sexual/sensitive nature e.g. Relationship, Sex and Health Education. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity.

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexual/sensitive nature. Responding to pupils' questions can require careful judgement and staff may wish to take guidance in these circumstances from the Headteacher/Assistant Headteacher.

Care should also be taken to abide by Thakeham's policy on Relationship, Sex and Health Education and the wishes of parents. Parents have the right to withdraw their children from all or part of any Relationship & Sex Education provided (but not from the biological aspects of human growth and reproduction necessary under the science curriculum).

### **20. Photography, Videos and other Creative Arts**

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

Staff need to be aware of the potential for these aspects of teaching to be misused for pornographic or 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken. Particular regard needs to be given when they involve young or vulnerable pupils who may be unable to question why or how the activities are taking place.

Children who have been previously abused in this way may feel threatened by the use of photography, filming etc in the teaching environment.

Staff should remain sensitive to any children who appear uncomfortable and should recognise the potential for misinterpretation.

Using images of children for publicity purposes will require the age-appropriate consent of the individual concerned and their legal guardians. In line with GDPR requirements, parents/carers have to complete consent forms. Please ensure pupil images follow these permissions without exception. Images should not be displayed on websites, in publications or in a public place without



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such consent. The definition of a public place includes areas where visitors to the school have access.

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

- if the photograph is used, avoid naming using the pupil's full name
- if the pupil is named, avoid using their photograph
- schools should establish whether the image will be retained for further use
- Images should be securely stored and used only by those authorised to do so.

Staff should only use school cameras and devices to take photographs. Personal cameras, mobile phones and other devices should not be used for this purpose. See Data Protection Policy.

### **21. Internet Use**

Thakeham has clear policies about access to and the use of the Internet which follows DfE guidance (see Staff Acceptable Use Policy).

Under no circumstances should adults in school access inappropriate images. Accessing child pornography or indecent images of children on the internet, and making, storing or disseminating such material, is illegal and, if proven, will invariably lead to the individual being barred from work with children and young people. Using school equipment to access inappropriate or indecent material, including adult pornography, is likely to give cause for concern particularly if as a result pupils might be exposed to inappropriate or indecent material.

All staff should ensure that they are fully compliant with the school Staff Acceptable Use Policy/E-Safety Policy.

### **22. Confidential Reporting Policy**

Whistleblowing and use of the Confidential Reporting Policy is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Staff should be aware of the school's Confidential Reporting Policy which meets the terms of the Public Interest Disclosure Act 2013.

Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. Where the welfare of children may be at risk, this should be brought to the attention of the DSL or Deputy DSL.

### **24. Sharing Concerns and Recording Incidents**

All staff should be aware of the school's child protection procedures (see Safeguarding and Child Protection Policy), including procedures for dealing with allegations against staff. Staff who are the subject of allegations are advised to contact their professional association.

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

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Members of staff should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with pupils so that appropriate support can be provided or action can be taken.

### **25. Undertaking paid work with pupils (either on roll or from another school)**

In accordance with the Teachers' Standards (Part Two: Personal and Professional Conduct, Sept 2012), "Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside the school." Any member of staff seeking to undertake privately paid work with a pupil outside of the allocated curriculum or direction of the Headteacher/Governors, should do so outside of their directed time and off-site. Before undertaking such work, staff members should be aware it is their own duty and responsibility to arrange their own risk assessments, pay and conditions, insurance, public liability insurance and tax arrangements etc. The staff member should also consider that although work is being undertaken outside of school they are still bound by the Personal and Professional Code of Conduct within the Teacher Standards and so should ensure they:

- Treat pupils with dignity, build relationships rooted in mutual respect, and at all times observe proper boundaries appropriate to a teacher's professional position
- Have regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Show tolerance of and respect for the rights of others
- Not undermine fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- Ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law

26. In line with WSCC disciplinary policy staff should note the guidance in appendix 1 which outlines misconduct and breaches of standards, policies, procedures and statutory regulations.

## Appendix 1

### **Examples of 'Misconduct'**

Any acts or omissions that give rise to doubts about an employee's suitability for the job could be the subject of disciplinary action. The following examples are not intended to be exclusive or exhaustive, but are intended to explain the types of matters that will be viewed as misconduct justifying disciplinary action.

Where such acts or omissions appear to be caused by ill health, disability or lack of capability, they may be addressed through alternative County Council procedures.

### **Breaches of Standards relating to carrying out your job:**

- Failure to comply with a reasonable instruction or contractual requirement
- Sleeping on duty
- Failure to account for/making false claims for County Council funds, assets or property
- Falsifying records or documents
- Failing to report or to record information where such reporting or recording is required within the job.
- Unauthorised alteration or destruction of records or documents
- Failure to take proper care of a child or adult in the care or charge of the County Council
- Disclosure of confidential information

### **Breaches of County Council Policies, Procedures, Codes of Practice or Statutory Regulations**

- Failure to comply with a Health and Safety requirement or Code of Practice.
- Failure to observe any requirement of the Behaviour in the workplace policy.
- Failure to observe the requirements of any of the County Council policies or procedures or statutory regulations
- Abuse of the County Council's IT systems.

### **Attendance at Work**

- Repeated lateness
- Absence without cause or authorisation
- While absent through sickness, working or carrying out activities which will either not aid the recovery, or which appear to be inconsistent with the reason for absence
- False self-certification of absence as sick leave.

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### **Breaches of standards of behaviour**

- Conduct likely to bring discredit to the County Council
- Committing an act outside work, or being convicted of a criminal offence, which is liable to affect suitability for the job
- Improper conduct at, during, when arriving for, or leaving work, or at work related events e.g. Christmas parties
- Dishonesty

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- Corrupt or improper practice
- Bullying, harassment, victimisation or any conduct likely to create an intimidating, hostile or humiliating working environment.

### **Gross misconduct**

Gross misconduct is characterised as a very serious breach of the above standards, which goes to the heart of the contract, and would lead to a complete loss of trust and confidence in an employee, for which dismissal without notice and without any previous warning, is justified.

In particular, the following will be viewed as gross misconduct:

- Unauthorised acceptance of money or a bequest from a service user or exerting pressure on a service user to obtain money or a bequest.
- For night care workers, falling asleep on duty or putting yourself in a position likely to induce sleep. For other staff, falling asleep on duty where service users, staff or members of the public might thereby be put at risk.
- Failure to observe correct procedures or to take proper care of a vulnerable person where the consequences or potential consequences are serious.
- Defrauding the County Council of expenditure; falsifying records for personal gain; acceptance of bribes; theft.
- Physical violence or threatening behaviour.
- Behaviour at work, or in connection with work, resulting from drinking alcohol or using drugs that affects the safety or wellbeing of others or would bring the County Council into disrepute.
- Serious insubordination.
- Wilful act or omission that seriously endangers self or others or may result in action against the County Council for negligence.
- Deliberately discriminating or instructing others to discriminate unlawfully on grounds of race, sex or disability, sexual orientation, religion or belief or age.
- Serious bullying or harassment or other serious breach of the County Council's Behaviour in the workplace policy.
- Use of computerised systems to access or send pornographic, illegal or overtly offensive material.
- Deliberate damage to property or equipment.
- Acting against the County Council's interests for personal gain.
- Unauthorised and unjustified absence from work.

This list is not intended to be exclusive or exhaustive.