



River Learning Trust

# Staff Code of Conduct

Person responsible for policy: Chief Executive

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# River Learning Trust

## Staff Code of Conduct Policy

### Introduction

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This Code of Conduct has been written using guidance from the *Department for Education* and the Safeguarding Guidance produced by Oxfordshire LA. This policy is for all interested parties both in school and in the wider community and will apply to all staff, trustees, governors, visitors and volunteers to the school except where they are working explicitly under their own professional guidelines.

Many teachers express regret at the need for such a code of this. Its purpose, however, is to promote the highest standards of care for young people, and to protect teachers and others from the potentially devastating consequences of false allegations. It is an unfortunate fact that society is less trusting than formerly and that, on occasions, cases have come to light which have justified the increased level of mistrust. All teachers are urged to consider how they can safeguard their own position in the light of this advice, without giving up important personal principles of care and trust. Whenever doubt exists, any number of staff should seek the advice of their Headteacher or another experienced senior colleague.

This code does not replace or take priority over the school's child protection procedures which can be found on the school website. All staff must be aware of the action that must be taken by employees when child abuse is suspected, whether inside the school, at home or elsewhere, or following any disclosure of alleged abuse. Copies of all agreed policies are available from the school's designated safeguarding leads

Many staff will be reassured by the advice contained in this code. It will, in many cases, simply confirm good professional practice, and emphasise the heightened awareness of abuse on the part of parents and pupils. The high profile that is given to child safeguarding makes it advisable for all employees to re-examine their approaches to individual pupils and their teaching. This will help ensure that they do not give any grounds for doubt and suspicion on the part of colleagues, parents or pupils.

### Rationale

Education professionals recognise that they may sometimes be the victims of false or malicious allegations of child abuse by pupils or their parents. All allegations of child abuse must be taken seriously. This will require that each allegation be investigated and child protection procedures followed that are likely to involve the police and social services departments. It may be necessary to suspend a teacher or other employee concerned pending the outcome of the investigation, with all the inevitable consequences in terms of public perception and feelings of helplessness and isolation. The Trust recognises that this will be a difficult and distressing experience, especially if the allegations are eventually shown to be without foundation. Investigations are carried out following the agreed Oxfordshire County guidelines.

All staff should clearly understand the need to maintain appropriate boundaries in their dealings with pupils. Allegations are not a new concern and teachers have long been vulnerable to this kind of allegation. Teachers and others have generally adopted a professional, commonsense approach in order to minimise this vulnerability in their day-to-day dealings with young people. Changes in patterns of allegation in the heightened concern among teachers and professional associations, have promoted the production of this code of conduct in line with DfE recommendations.

It is intended to help staff further reduce the risk of any vulnerability to false or malicious allegations of misconduct or abuse towards pupils with whom they work. All teachers will understand and appreciate that a code of conduct cannot cover all eventualities and will not totally remove the risk of false or malicious allegations. The important factor is that all staff should be able to demonstrate that they have acted and behaved in a professional and appropriate manner.

### **Aims**

The aim of this code of conduct is to ensure that all staff, governors, visitors and volunteers working on the school site are clear about the expectations that exist around their conduct around school with particular reference to their conduct with pupils and other members of the school community. It is important for all members of the school community to understand these expectations and behave appropriately.

## **The Code of Conduct**

### **General**

Employees should take care that their relationships with pupils reflect the age, gender and maturity of the pupils. It will be particularly important to ensure that all aspects of demeanour, dress, language and attitudes (however conveyed) do not give rise to misunderstandings, especially when dealing with adolescent students. Ambiguous or ambivalent comment and conduct, in particular, should be avoided. Staff dress should be smart and conservative but does not necessarily have to be formal. In all cases, the dress of members of staff should be appropriate to the environment in which they are working.

### **Physical contact other than reasonable force**

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. The DfE states<sup>1</sup> that schools should **not** have a 'no contact' policy.

Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid<sup>2</sup>

### **Use of reasonable force**

The DfE has produced advice for staff, headteachers and governors on the use of reasonable force<sup>3</sup>. The following sections of this Code of Conduct are taken exactly from the advice.

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/444051/Use\\_of\\_reasonable\\_force\\_advice\\_Reviewed\\_July\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf) p6

<sup>2</sup> *Ibid*, p8

<sup>3</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/444051/Use\\_of\\_reasonable\\_force\\_](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_)

The key points of the DfE advice on use of reasonable force are:

- School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.

### ***What is reasonable force?***

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

### ***Who can use reasonable force?***

- All members of school staff have a legal power to use reasonable force<sup>4</sup>.
- This power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

### ***When can reasonable force be used?***

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

### ***Examples of when Schools can use reasonable force***

- to remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- to prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- to prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- to prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- to restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot use force as a punishment – it is unlawful to use force as a punishment

### ***Power to search pupils without consent***

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”<sup>5</sup> :

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for items banned under the school rules.

### ***Using force***

A panel of experts<sup>6</sup> identified that certain restraint techniques presented an unacceptable risk when used on children and young people.

The techniques in question are:

- the ‘seated double embrace’ which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the ‘double basket-hold’ which involves holding a person’s arms across their chest; and
- the ‘nose distraction technique’ which involves a sharp upward jab under the nose.

### **Private meetings**

Private meetings, by their very nature, provide opportunities for pupils to make malicious allegations. Teachers and others must therefore recognise this possibility and plan such meetings accordingly. It is advisable to avoid remote areas of the school and to ensure that whenever possible the meeting room door is left open or visual contact with others is maintained. Under no circumstances should meetings with individual pupils be arranged off the school premises without the prior approval of the Headteacher or the senior colleague with delegated authority to approve such meetings. Any such meetings should be logged. This includes the transporting of a lone child in private staff cars. Such meetings should, in any event, be discouraged unless linked with identified work in a job description.

Where it is not possible to meet in the circumstances referred to above, another member of staff should be told of the meeting beforehand. Steps to prevent others entering the room, e.g. by the use of ‘Meeting in Progress’ signs, are especially likely to be open to misinterpretation. In many cases it will be advisable for another pupil or adult to be present or in a position to minimise risk during the interview.

No teacher should be meeting with or tutoring a River Learning Trust pupil off-site, in their own home, or in the pupil’s home without the prior approval of their parents **and the explicit permission of the Headteacher**. This is to reduce the risk to members of staff and any possibility of allegations being made of inappropriate meetings with pupils.

### **Pupils with special needs**

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<sup>5</sup> Section 550ZB(5) of the Education Act 1996

<sup>6</sup> 4 Physical Control in Care Medical Panel - 2008

If pupils require additional assistance to meet their physical needs, e.g. with toileting, dressing or any other physical need, staff should consider whether it would be possible to arrange for the presence of another adult in the vicinity. Where this is not possible, employees should discuss with their line manager what arrangements would be considered to be reasonable in the circumstances. The line manager or the Headteacher will consider referring the matter to any appropriate, relevant agency, for further advice.

### **Comments and discussions with pupils**

Employees should at all times be cognisant of the need to demonstrate awareness of sexual and cultural diversity within their contacts with pupils. Employees must avoid comments to, or about, pupils that could be taken to have sexual or racial abuse overtones. It is equally unacceptable for employees to encourage debate and discussion between groups of pupils that could be interpreted as having sexual or racial abuse overtones that are not justified in the context of the teaching programme. It will be especially helpful if schemes of work highlight particular areas of risk and sensitivity. Specific guidance may be needed to assist newly qualified or other teachers new to this area of work. This will call for the exercise of careful judgement in responding to questions raised by pupils.

Notwithstanding the advice given above, it is recognised that, in order to discharge particular pastoral responsibilities employees may from time to time need to engage in conversation with pupils which cover sensitive matters. Teachers must use their professional judgement to ensure that they are not drawn into areas inappropriate to their duties or their relationship with the pupils concerned. Staff must also use their discretion to ensure that, for example, any probing for details cannot be construed as unjustified intrusion.

In responding to individual pupils to stress, employees will need to consider carefully whether they should offer advice, sympathy or counselling. If your discussion enters a sensitive area, it may be necessary to refer them to a colleague or an agency that is better placed to offer appropriate advice.

The persistent and hurtful use of sarcastic, demeaning or insensitive comments toward young people may also be regarded as a form of abuse which is potentially very damaging and must be avoided. Staff who engage in such behaviour must recognise that they may become liable to procedures under the school's disciplinary policy.

### **Infatuations and crushes**

These unfortunately do develop, and can involve pupils and teachers of both sexes, on both a heterosexual and homosexual basis. Careless and insensitive reactions have been known to provoke false accusations. It is therefore in the interest of all parties to avoid adding to the pupil's problems by encouraging the crush or making jokes about the situation. In such situations, the advice of a senior colleague must be sought. Other members of staff have a part to play in alerting a colleague to the possibility of an infatuation on the part of a pupil. Appropriate steps may then be taken to minimise hurt and distress and the risk to the teacher concerned. Whilst the risk of infatuation is not limited to younger members of staff, newly qualified teachers must recognise their particular vulnerability to adolescent infatuation and take appropriate protective and preventative measures.

### **Intimate sexual contact and relationships**

It is an offence under section 16 of The Sexual Offences Act 2003 for a person aged 18 or over (e.g. teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. A situation where a person is in a position of trust could arise where the child is

in full-time education and the person looks after children under 18 in the same establishment as the child, even if s/he does not teach the child.<sup>7</sup>

### **Activities and behaviours outside school hours**

Employees should take particular care when supervising pupils in the less formal atmosphere of a residential setting or after-school activity. The more relaxed relationships that may promote successful activities can be misinterpreted by young people. It is important to emphasise that the standards of professional conduct and behaviour expected of employees should be no different on these activities from that which applies within the school setting. Employees should be aware of the particular care should be taken with older, more mature pupils, in these circumstances. Wherever possible, employees should use school owned, not personal, cameras and camcorders to record events during school activities. In all cases, they should recognise that such recordings are not for personal use and must be submitted on request to any line manager or senior colleague for perusal.

### **Teaching materials**

The use of books, videos and films of an explicit or sensitive nature, particularly in relation to language, cultural diversity or sexual behaviour, must be given careful prior consideration ensuring that their selection is not subsequently misinterpreted. There should always, therefore, be a clear link with the targets of the teaching programme. All books, videos and films must be an appropriate age group for the pupils being taught. If there is any doubt about the choice of such materials they should be cleared with the Head of Department or senior colleague.

### **Reporting incidents**

Teachers should report any concerns that they may have following any incident where they feel that their actions may have been misinterpreted. This report should be made to the Headteacher as soon as possible after the incident, and should include, as an immediate follow-up the preparation of a written note of the incident, a copy of which should be given to the Headteacher. The teacher may also wish to seek advice from their professional association. Headteachers who face similar situations are advised to contact the school's LADO (Local Authority Designated Officer)

Whilst the reporting of incidents is always advisable, it is particularly important to ensure that a comprehensive written record is made if any form of restraint has been used against a pupil, or whenever a pupil, parent or third party has complained about an action, or expressed an intention to complain.

### **Personal letters, texting and telephone calls**

It is not appropriate for teachers to write personal notes or letters to individual pupils. If a teacher believes it to be necessary to write a personal note to a pupil, they should discuss the purpose and context with a senior colleague, who should refer this matter to the Headteacher or child protection officer if they require further advice.

Staff should not exchange telephone numbers with pupils or contact pupils directly without the express permission of the Headteacher: this will only be given in very explicit and specific circumstances, e.g. the need to get pupils into examinations during a general closure for poor weather. It is necessary to telephone a parent, and a pupil answers, staff should ensure that the pupil is told clearly that the teacher wishes to speak to the parent. If

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550511/Keeping\\_children\\_safe\\_in\\_education.pdf\\_p14](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf_p14) footnote

the parent is not available, then end and log the call. Telephone calls from home should only be used in such exceptional circumstances as mentioned above.

On trips, staff do sometimes give out their mobile numbers. If this is the case, staff must make it clear to all pupils that they must not use this number following the trip. A better strategy however, is for the staff on trips only to use mobile phones registered to the school.

### **Online communications**

It is not appropriate for teachers to write personal notes or contact individual pupils via e-mail, chat rooms or social networking sites. This advice is not intended to curtail the use of e-mail where schools have agreed the use of this medium for submission of work, advice on aspects of subjects being covered, or other professional matters, particularly where they have ensured that parents and carers are aware of the Trust's policy. All teachers and other adults using e-mail in this context, however, need to be aware of the less formal style that can characterise this form of communication and should ensure that responses do not convey a too casual, informal or inappropriate tone. In particular, the friendly and chatty style committed to e-mail can easily be misconstrued by the recipient as the 'conversation' being effectively private to just two individuals with all that this implies.

Teachers should keep all passwords secure and ensure that no other person can gain access to their e-mail account and maliciously send messages which appear to have been written by them. Ideally, both teachers and pupils should use an e-mail address provided as part of an official school or Trust Internet service, even if they are sending messages whilst working at home. Since these services can be monitored, they provide a measure of protection for both parties. Schools should implement a code of conduct in which pupils and adults understand what to do if they receive inappropriate e-mail messages from any source and whom they should contact.

The increased availability of internet chat rooms and similar online forums also poses a risk for children and school staff. While they are popular among young people and offer many positive experiences, there is widespread concern about their potential abuse by paedophiles attempting to groom new victims. The local authority's advice is that teachers should not use unregulated chat rooms with children and should be aware that it is impossible to determine the age of any participant in these environments. Managed services are available in which online discussions for educational purposes can be organised in a secure environment for bona fide participants.

The increased availability of e-mail and social networking applications also poses a risk for children and school staff. E-mail and applications such as Instagram, Snapchat, Whatsapp, Facebook, Twitter et al are easy popular and fun, making them attractive to children and staff alike. The guidelines here are clear, however:

No member of staff should ever have a member of the school pupil body, whatever their age, as a direct e-mail contact or as a "friend" on their social networking sites. The same applies to the parents of any pupil in the school, except where this parent is a colleague or a personal friend outside of school. Even in these cases, extreme care must be taken to avoid any behaviour which could be construed as unprofessional or a threat to any child's safety – even by perception.

It is also worth reminding all staff that their comments on e-mail and on social networking sites are not considered to be "private": they are in the public domain. Hence, any comments or statements that could be construed as being unprofessional, bringing the school into disrepute or as threatening the safety of any child, would be considered to be actionable and disciplinary action would be the inevitable consequence.

There are multiple cases recently and currently of school staff being suspended and prosecuted for misdemeanours in these areas. It is incumbent on all members of staff to behave appropriately in all these arenas of electronic and digital communication.

### **An overview**

The code of conduct outlined above covers, in summary, most of the standard situations in which the staff of a school might find themselves in difficulty. It covers the general outline of the behaviour that is expected from staff in such circumstances and poses certain types of response. However, this code of conduct cannot be taken in isolation and must be read in conjunction with all the Trust's safeguarding regulations as well as all the Trust's / school's current policies including:

- child protection
- safeguarding
- safer recruitment
- whistle blowing
- handling allegations against staff
- disciplinary
- competence
- use of physical restraint
- anti-bullying
- dignity at work
- extracurricular visits
- performance management
- professional development
- safe Internet use
- Internet code of conduct
- staff well-being

However, any policy is only as good as the ways in which it is implemented. It is imperative that all the staff of the Trust behave, at all times, in the best interests of the pupil, staff colleagues and all other members of our community. It is incumbent on them to behave in a professional manner, seeking advice from the Headteacher and/or senior colleagues if there is any doubt as to the appropriate course of action

As with all policies of this nature, if there is any discrepancy or query about its implementation, the Trust and its Trustees will use local authority policy as the pre-eminent and statutory vehicle, in precedence over this policy. Such policies are available on the Oxfordshire County Council intranet: <http://schools.oxfordshire.gov.uk/cms/node/350#A>