

<b>Title</b>	Code of Professional and Safe Conduct
<b>Associated Policies</b>	<ul style="list-style-type: none"> <li>• Adult Dress Code (TPO/STA/02)</li> <li>• Disciplinary Procedure (TPO/STA/22)</li> <li>• Non-Teaching Staff Performance Management (TPO/STA/05)</li> <li>• Safeguarding and Child Protection (TPO/HS/05)</li> <li>• Social Media (TPO/STA/20)</li> <li>• Teaching Staff Performance Management and Capability (TPO/STA/17)</li> <li>• Whistle Blowing (TPO/STA/19)</li> <li>• Data Protection (TPO/STA/25)</li> <li>• Online Safety (TPO/STU/12)</li> </ul>

REVIEWED: SEPTEMBER 2019

NEXT REVIEW: SEPTEMBER 2022

## 1. Policy Statement

- 1.1 Brooke Weston Trust’s overarching commitment is to put the needs of its children first. This means all members of staff operating within a culture of the highest professional standards. Not only will this ensure the safety and welfare of all young people but also minimise the risk of any member of staff being accused of improper conduct.
- 1.2 This Code of Professional and Safe Conduct is designed to give clear guidance on the standards of behaviour expected from all staff, volunteers and governors. All staff, governors, trustees, directors and volunteers have a duty to keep students and themselves safe and to protect children or each other from physical and emotional harm. This duty is, in part, exercised through the development of respectful, caring and professional relationships between adults and young people and behaviour by adults that demonstrate integrity, maturity and good judgement.
- 1.3 The public are entitled to expect the highest standard of conduct from our employees and have confidence in the work that we do. School employees and those associated with the school are in a unique position of trust, to behave in a way that sets a good example to the students within the academy.
- 1.4 This Code of Professional and Safe conduct cannot provide a complete checklist of what is or is not appropriate behaviour for staff, however it does highlight behaviour that is illegal, inappropriate or inadvisable towards students. There will be occasions when staff have to make decisions or take action in the best interests of the students. Adults are expected to make responsible and informed professional judgements about their own behaviour in order to secure the best interests and welfare of the young people in their care.
- 1.5 This Code of Professional and Safe Conduct complements other Brooke Weston Trust policies which set out rules and expectations of working for the Trust. In particular, it forms part of the Disciplinary Procedure and the Trust will use the Disciplinary Procedure to deal with any conduct as set out in this policy that falls below what is expected. This could either be deemed to be misconduct or gross misconduct.
- 1.6 Teachers should also refer to the Teachers’ Standards (Part Two) – Personal and Professional Conduct; which sets out the behaviour and conduct that a teacher is expected to demonstrate in relation to their personal and professional conduct.
- 1.7 This Policy does not form part of any employee’s contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

## 2. Who does this policy apply to?

- 2.1 This policy applies to all Brooke Weston Trust staff and governors, directors and volunteers at Brooke Weston Trust or the academies.
- 2.2 The following will be expected to abide by the provisions of this policy, and it will be a term of their engagement with us that they do so, whilst working on Trust premises.
  - Employees of external contractors and providers of services (e.g. contract cleaners)

### 3. Who is responsible for carrying out this policy?

- 3.1 The implementation of this policy will be monitored by the Senior Leadership Team and the governors of the Academy and will remain under constant review by Brooke Weston Trust.

### 4. What are the principles behind this policy?

- 4.1 This Code of Professional Safe Conduct seeks to enable staff to deliver the quality of teaching required to achieve the Academy goals, with confidence in their professional conduct and to ensure a high standard of professional conduct amongst staff to safeguard children and protect staff from allegations.
- 4.2 All Academy staff, governors and volunteers, as appropriate to their role and job description must place the wellbeing and learning of students as the centre of their professional practice. This will include having high expectations of all students, a commitment to address underachievement and work with all students regardless of their background or personal circumstances.
- 4.3 All Academy staff, governors, directors and volunteers will treat students fairly and with respect and take account of their knowledge, views, opinions and feelings seriously, valuing diversity and individuality.
- 4.4 All Academy staff, governors, directors and volunteers will model the characteristics they are trying to inspire in students including an enthusiasm for learning, a spirit of enquiry, honesty and integrity, tolerance, social responsibility, recognition of a value of diversity, patience and a genuine concern for others.
- 4.5 All Academy staff, governors, directors and volunteers will seek to work in partnership with parents and carers, respecting their view and promoting understanding and co-operation to support the young person's learning and well-being both in and outside the Academy.
- 4.6 All Academy staff, governors, directors and volunteers will reflect on their own practice, develop skills, knowledge and expertise and adapt appropriately to learn with and from colleagues.
- 4.7 All staff must uphold standards of personal and professional conduct, honesty and integrity so that the public have confidence in you as an employee of the Trust.

### 5. Procedures

#### Confidentiality

- 5.1 In order to undertake their professional responsibilities, Academy staff, governors and directors may have access to confidential and sensitive information about students. All staff must treat confidential or personal information about a student with respect and must not disclose it unless required to do so by their employer or by law. In circumstances where the student's identity does not need to be disclosed, the information should be used anonymously. Confidential and sensitive information about a student must never be used to intimidate, humiliate or embarrass a student.
- 5.2 Adults may have access to special category personal data about pupils and their families, which must be kept confidential at all times and only shared when legally permissible to do so and in the interests of the child. Records should only be shared with those who have a legitimate professional need to see them. In circumstances where special category personal data needs to be shared, the Data Protection Legislation contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information without consent if it is not possible to gain consent. In such cases, adults have a duty to pass the information on without delay to those with designated safeguarding responsibilities. See paragraph 5.3 below.

- 5.3 In cases of suspected or alleged abuse, Academy staff have a duty to pass on relevant information to the Designated Safeguarding Manager for Child Protection or one of the deputies. If a pupil or parent/carer makes a disclosure regarding abuse or neglect, the adult must follow the School's procedures and the guidance as set out in 'Keeping Children Safe in Education' DfE. Confidentiality must not be promised to the pupil or parent/carer, however, reassurance should be given that the information will be treated sensitively.
- 5.4 Where Academy staff have confidential and sensitive information about students this must be held securely and not be held off the Academy site other than on security protected school equipment. The information must only be stored for the length of time necessary to discharge the task for which it is required.
- 5.5 If a member of staff is unsure about the storage of or sharing of information s/he must seek guidance from a member of the senior management team. Any media or legal enquiries about students must be passed to the senior management team who will consider alongside the Data Protection Policy (TPO/STA/25).

### **Propriety, Behaviour and Appearance**

- 5.5 All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of students. They should adopt high standards of professional conduct in respect of their peers, students and the public in general. An individual's behaviour, either in or out of the workplace should not compromise her/his position within the Academy or bring the Academy into disrepute.
- 5.6 An individual's dress and appearance are matters of personal choice and self-expression, however all Academy staff must ensure that they are dressed decently, safely and appropriately to the tasks they undertake and follow the principles outlined in the Academy's policy on Adult Dress (TPO/STA/02).
- 5.7 Materials of a sexually explicit nature such as books, magazines, DVDs or any such material must not be brought into the Academy or stored on the Academy's property, including staff laptops.
- 5.8 Academy staff must not publish or post material in any media format which damages or risks damaging the reputation of the Academy, them individually or which causes concern about their suitability to work with children and young people. Those who post material which could be considered as inappropriate could render themselves vulnerable to allegations of misconduct as outlined in the Brooke Weston Trust's Disciplinary Policy (TPO/STA/22).
- 5.9 As a general rule, mobile phones are not to be used by members of staff during the working day for personal calls.
- 5.10 All staff who wish to smoke/vape may do so in their own time during designated breaks and in the designated smoking/vaping area. Members of staff are not permitted to smoke/vape whilst carrying out their duties and responsibilities.

### **Social Contact and Social Networking**

- 5.11 Academy staff must not establish or seek to establish social contact with students. This includes all social networking sites such as Facebook, WhatsApp, Snapchat and blogging sites and on-line gaming sites. Even if a student seeks to establish social contact or this occurs coincidentally, the member of staff should not establish contact and be aware that such social contact in person, by telephone or on the Internet could be misconstrued and place the member of staff in a very vulnerable position. Adults should not share any personal information with pupils and they should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. They should ensure that all communications are transparent and avoid any communication that could be interpreted as 'grooming behaviour'.
- 5.12 Staff and volunteers must not give their personal details such as home or mobile telephone number, home or personal email address or social networking details to students unless the need to do so is agreed with senior management. If, for example, a pupil attempts to locate an adult's personal contact

details and attempts to contact or correspond with them, the adult should not respond and must report the matter to their manager.

- 5.13 It is recommended that adults ensure that all possible privacy settings are activated to prevent pupils from making contact on personal profiles and to prevent pupils from accessing photo albums or other personal information which may appear on social networking sites.
- 5.14 Adults are personally responsible for what they communicate in social media and must bear in mind that what is published might be read by pupils, parents and carers and the general public. Adults must ensure that their online profiles are consistent with the professional image expected and must not post material which damages the reputation of the Trust or which causes concern about their suitability to work with children and young people. Those who post material which may be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct, which may be dealt with under the disciplinary procedure. Even where it is made clear that the writer's views on such topics do not represent those of the Trust, such comments are inappropriate.

#### **Email, Internet Use and Electronic Communication**

- 5.15 All staff must remember that no email sent using their employee account is private. It is therefore very important to use professional language at all times as any communications could and may be made public at any time. The Trust has a separate policy on Internet use, electronic communication and security (Online Safety Policy (TPO/STU/12)) which forms part of this Code of Professional and Safe Conduct. Under no circumstances should Academy staff access inappropriate images in the Academy. Deliberately accessing pornography or inappropriate images will be treated as gross misconduct and may be a criminal offence. Accessing indecent images of children on the Internet and making, storing or disseminating such material is illegal and is likely to lead to criminal prosecution and may result in an individual being barred from working with children and young people.

#### **Professionalism and maintaining trust in the profession**

- 5.16 All staff must maintain appropriate professional boundaries, avoid improper contact or relationships with pupils and respect their unique position of trust.
- 5.17 All staff should avoid situations both within and outside the professional context which could be in breach of the criminal law, or may call into question their fitness to be employed in a school. Staff must abide by all current Safeguarding policies, guidance and procedures.
- 5.18 Staff should maintain appropriate professional boundaries and ensure that their relationships with students are appropriate to the age and gender of the student, avoiding improper contact or relationships with pupils and respecting their unique position of trust. Attitudes, demeanour and language all require care and thought, particularly when dealing with adolescent boys and girls.
- 5.19 Many staff have a pastoral responsibility for students and in order to fulfil that role effectively, there will be occasions when conversations will cover particularly sensitive matters. Staff must, in these circumstances, use their discretion to ensure that, for example, any probing details cannot be construed as unjustifiable intrusion.
- 5.20 All staff may, from time to time, be approached by students for advice. Students may also appear distressed and staff may feel the need to ask if all is well. In such cases, staff must judge whether it is appropriate for them to offer counselling and advice or whether to refer the student to another member of staff with acknowledged pastoral responsibility for the particular student.
- 5.21 Use of insensitive, disparaging or sarcastic comments is unacceptable, as is drawing attention to any of the students' physical attributes, even in a positive manner.
- 5.22 If staff are in any doubt about the appropriateness of their role in confidential situations, they should stop the conversation/discussion, refer immediately to a senior member of staff for advice and revisit the relevant policies.

#### **Professional relationships towards pupils**

- 5.23 All staff must maintain an up-to-date knowledge and understanding of, implement, and comply with, child and protected adult procedures as they may currently apply in their workplace; all staff should aim to be a positive role model to pupils and motivate and inspire them to realise their full potential.
- 5.24 All staff should be aware of the dangers which may arise from private interviews with individual students. Staff must recognise their vulnerability to allegations and every attempt should be made to ensure that the safety and security needs of both staff and student are met. It is recognised that there are many occasions when confidential one to one interviews must take place but, where possible, such interviews should be conducted in a room with visual access, or with the door open, or in a room or area which is likely to be frequented by other people.
- 5.25 Pre-arranged meetings with students away from the Academy premises are not permitted unless the specific approval of the parent or carer and of the Principal or a Vice Principal has been obtained in advance of the meeting taking place.

#### **Physical contact and personal privacy**

- 5.26 There are occasions when it is entirely appropriate for a member of staff to have physical contact with students but it is crucial that they do so in ways appropriate to their professional role. Where physical contact is made with students it should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, ethnicity and background.
- 5.27 Physical contact must never be secretive or casual 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 must be reported to the Principal or Vice Principals immediately.
- 5.28 There may be occasions when a distressed student needs comfort and re-assurance. This may include age appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not viewed as threatening, intrusive or subject to misinterpretation. Where a member of staff is concerned about the need to provide this sort of care and re-assurance they should seek advice from a senior manager.
- 5.29 Some staff, such as PE staff and those who provide music tuition, may have to initiate physical contact in order to demonstrate the use of equipment or assist them with an exercise. This should be done with the student's agreement. Contact under these circumstances should be for the minimum amount of time and take place in an open environment.
- 5.30 Physical contact which occurs regularly with a student is likely to raise questions unless the justification is part of a formally agreed plan, e.g. in relation to students with SEND or physical disabilities. Where feasible staff should seek the student's agreement and the physical contact should be for the minimum amount of time and take place in an open environment.
- 5.31 Students are entitled to respect and privacy when changing clothes or taking a shower, however there needs to be an appropriate level of supervision in order to safeguard students, satisfy health and safety considerations and ensure that bullying does not occur. Such supervision should be appropriate to the needs and age of the students concerned.

#### **Caring for students with particular problems**

- 5.32 Staff who have to administer First Aid should ensure whenever possible that other students or another adult are present if they are in any doubt as to whether necessary physical contact could be misconstrued. Wherever possible, staff that have to help students with physical disabilities should be accompanied by another adult.

#### **Sexual contact with young people and abuse of trust**

- 5.33 All adults working in the Academy are in a position of trust. Any sexual behaviour whether heterosexual or homosexual by a member of staff, volunteer or governor with or towards a young person is illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour and they are additionally protected by specific legal provisions regardless of whether there is

consent or not. The Sexual Offences Act 2003 specifically establishes the abuse of trust in relation to teachers and other adults who are in a relationship of trust with children or young people under 18-year olds as a criminal offence.

- 5.34 Sexual behaviour includes non-contact activities such as causing a young person to engage in or watch a sexual act or the production of indecent images of children. Sexual abuse is defined as “forcing or enticing a child or young person to take part in sexual activities not necessarily involving a high level of violence whether or not the child is aware of what is happening” (*Keeping Children Safe in Education*).
- 5.35 There are occasions when adults embark on a course of behaviour known as ‘grooming’ for which the sole purpose is to gain the trust of a child or young person and manipulate the relationship so that sexual abuse can take place. Staff should be aware that conferring special attention without good reason or favouring a student has the potential to be construed as grooming which is a criminal offence.
- 5.36 A relationship between a member of staff, volunteer or governor and a child or young person cannot be a relationship between equals. There is the potential for exploitation and harm and all adults have the responsibility to ensure that the unequal balance of power is not used for personal advantage or gratification.

#### **Infatuations or crushes**

- 5.37 Adults must recognise that a student may be strongly attracted to a member of staff and develop a heterosexual or homosexual infatuation. Any member of staff who becomes aware that such an infatuation may be developing must report this immediately to the Principal or Vice Principals. The situation must be taken seriously and the adult must be careful not to give any encouragement and should be aware that any insensitive and careless reactions may provoke false accusations.

#### **Curriculum**

- 5.38 Many areas of the curriculum can include or raise subject matter which is sexually explicit or otherwise of a sensitive nature. When using teaching materials of a particular sensitive nature, staff should be aware of the danger and that their selection could be misinterpreted and may be criticised after the event. Care should be taken to ensure that any potential areas of risk or sensitivity are highlighted in advance.
- 5.39 The curriculum can sometimes include or lead to unplanned discussion about a subject matter of a sexually explicit nature or otherwise sensitive issue. Responding to students’ question can require careful judgement and staff should exercise their professional judgement in responding to such questions.

#### **Educational visits and clubs**

- 5.40 Staff should be particularly careful when supervising students on residential activities. They should always ensure that the male to female staff ratio is adequate for the effective supervision of both sexes. Similarly, the less formal approach adopted in extra-curricular activities generally can be open to misinterpretation. Although more informal relationships in such circumstances tend to be usual, the standard of behaviour expected of staff will be no different from the behaviour expected within the Academy. Staff acting in any supervisory capacity should not drink alcohol in the presence of students.

#### **Transporting students**

- 5.41 In certain circumstances staff, volunteers or governors may agree to transport students. Wherever possible transport arrangements should be made in advance and wherever possible practicable transport should be provided other than private vehicles and preferably at least one additional adult accompanying the driver as an escort.
- 5.42 Adults should ensure that their behaviour is safe and that the transport arrangements and the driver of the vehicle meet all legal and insurance requirements and health and safety considerations.

#### **Sharing concerns and reporting incidents**

5.43 All staff, volunteers and governors must be vigilant and have a duty to share and report concerns or incidents. Whistle blowing is the mechanism by which staff can voice their concerns made in good faith without fear of repercussions. The procedures for doing so are outlined in the Brooke Weston Trust's policy on Whistleblowing (TPO/STA/19).

#### Other matters

5.44 Outside interests and additional employment: Your life away from school is your own concern but you should not put yourself in a position where there is a conflict of interest with your job at the school.

5.45 Other issues in relation to conduct are set out in the Trusts HR policies or staff handbook. The conduct set out in those documents will set out the Trust's position on issues including:

- Accepting gifts & hospitality (Anti-Bribery & Corruption Policy (TPO/QA/01))
- Disclosure of criminal convictions (Disclosure & Barring Service Checks Policy (TPO/STA/03))
- Confidential data (staff contracts, paragraphs 25-26)
- Fitness for work (staff contracts, paragraph 9, Staff Absence Policy (TPO/STA/13))

## 6. Policy Review

6.1 This policy will be reviewed annually as part of the Academy's annual review process.