

Caring for young minds

The Family School London

An Anna Freud Centre Initiative

A Code of conduct for staff dealing with pupils

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At the heart of all policies at The Family School are the following principles:

- Every young person in our school, whatever his or her personal circumstances can learn and achieve.
- Every young person in our school, whatever his or her self-perception and previous experiences, has academic and creative potential to become a valuable member of society.
- The key to learning at The Family School lies within the quality of the relationships between pupils, family members, staff and the intermediate agencies with whom we work.
- The success of our school is based on high expectations, mutual trust, caring for each other and taking responsibility.
- Every young person in our school is capable of becoming an agent for change in his or her local community.

Our vision is to provide our pupils with the confidence, academic progress, and ambition to take the next steps towards a successful and productive life and to be able to contribute positively within their local community and wider society.

The governors of The Family School have a legal duty under section 175 of the Education Act 2002 to safeguard and promote the welfare of pupils by creating and maintaining a safe learning environment. In this regard, school staff have a duty to keep pupils safe and protect them from harm. Staff should ensure that they do not put themselves in situations in which allegations of abuse of inappropriate behaviour could be made.

The public are also entitled to expect the highest standard of conduct from school staff, governors and volunteers and to have trust and confidence in their ability. All adults working at The Family School must therefore act with the utmost good faith with regard to the business of the school and not do anything which may adversely affect its reputation.

The following Code has been drawn up with a view to reducing the risk of staff being accused of improper or unprofessional conduct in all aspects of their work. It aims to help staff work safely and professionally and clarify what behaviour constitutes safe practice and what is unacceptable and/or illegal.

This Code is to be read in conjunction with the Safeguarding Policy and the Child Protection Procedures.

1. INTRODUCTION

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 will be investigated. Under child protection procedures this is likely to involve police and Social Service departments. It may be necessary to suspend the teacher or other employee concerned pending the outcome of any investigation, with all the inevitable consequences in terms of public perception and feelings of helplessness and isolation. The Family School recognises that this will be a difficult and distressing experience especially if the allegations are eventually shown to be without foundation.

All staff should clearly understand the need to maintain appropriate boundaries in their dealings with pupils. It is a criminal offence for a teacher or other persons who work with young children to abuse their position of trust. The offence is punishable on conviction by a fine of up to the statutory maximum and / or a term of imprisonment of up to 5 years. Whilst this advice is intended primarily for teachers, it is relevant to all employees working with young people. The Principal will make use of this code within any induction or training for non-teaching staff.

This is not a new concern and teachers have long been vulnerable to this kind of allegation. Teachers and others have generally adopted a professional, common sense approach in order to minimise this vulnerability in their day-to-day dealings with young people. Changes in patterns of allegation and a heightened concern among teachers and their professional associations, on behalf of their members who are affected by these allegations, have prompted the production of this Code of Conduct. It is intended to help staff reduce further the risk of any vulnerability to false or malicious allegations of misconduct or abuse towards pupils and 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.

This code does not replace or take priority over The Family School's Child Protection Procedures. 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.

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

2. THE CODE

General

Employees should take care that their relationships with pupils reflect the age, gender and maturity of the pupils. Ambiguous or ambivalent comment and conduct, in particular, should be avoided.

Physical Contact

Physical contact may be misconstrued by a pupil, parent or observer. Touching pupils, including well-intentioned informal and formal gestures such as putting a hand on the shoulder or arm, can, if repeated regularly, lead to questions being raised. Staff must not make gratuitous physical contact with pupils and should avoid attributing 'touching' to their teaching style as a way of relating to pupils.

There will be occasions when physical contact will be acceptable. In general these will fall into one of three categories:

Action to prevent harm or injury to the pupil or to others.

If it is necessary to prevent a pupil causing injury to him/herself or to others the use of minimum force and contact necessary to prevent harm or injury is acceptable and defensible. Such incidents must always be reported. The Education and Inspections Act 2006 does provide the legal power for school staff to use reasonable force to prevent pupils from committing a crime or causing injury, damage or disruption.

A statement of the use of physical restraint is included in the Child Protection Policy. Further advice is contained in the DfE document 'Guidance on Physical Intervention for Teachers and Other Employees Working with Young People'.

Comforting a pupil in distress.

There is no easy definition of what is acceptable since much will depend on the circumstances, the age of the pupil, the extent and cause of the distress and the alternative means of providing comfort. Employees will need to use their professional judgment and discretion in relation to these factors. Employees should consider how others might perceive the action, even if no one else is present, and ensure that it does not develop into unnecessary contact. Particular care must be taken in instances which involve the same pupil over a period of time.

Unavoidable contact.

This is a particularly sensitive issue in subjects such as Physical Education, Instrumental lessons and Drama, and in some forms of skills coaching. All teachers must be alert to the possibilities of misinterpreting any contact. To avoid such misunderstanding all planned contact must be

demonstrably unavoidable. It may be, for example, that alternative methods involving demonstrations of particular techniques by the teacher or a particularly competent pupil may be more appropriate than modifying a pupil's technique by physical contact. It will generally not be acceptable for physical contact to take place between adolescent pupils and teachers. In cases of doubt or uncertainty, staff should seek advice from the Principal.

There are other occasions when physical contact may be questioned even if innocent or unintentional. Employees should therefore ensure that their actions recognise the possibility of misinterpretation and are open to the scrutiny of colleagues. Individual professional judgments will be required about the level of physical contact with individual children, which will take account of their age, circumstances and background. Extra caution may be required where it is known that a child has suffered previous abuse or neglect. Many such children may seek out inappropriate contact, thereby leading staff to be vulnerable to allegations of abuse.

Any formally agreed plan for children with SEN or physical disabilities should be understood and agreed by all concerned and staff should be provided with relevant information about vulnerable children in their care where it is relevant for this to be provided in order for staff to be able to undertake tasks appropriately.

Corporal Punishment

Any form of physical punishment is prohibited under disciplinary procedures and potentially actionable in law. This also applies to any form of physical response to misbehaviour, with the exception noted above.

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 buildings and to ensure that wherever possible the door is left open or visual contact with others is maintained. Under no circumstances should meetings with individual pupils be arranged off School premises without the prior approval of the Principal or any senior colleague with delegated authority to approve such meetings. This includes the transporting of individual children in private cars. Such meetings should, in any event, be discouraged.

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 a room by the use of 'Meeting in Progress' 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.

Pupils with individual needs

If pupils require assistance with toileting 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 Principal what arrangements will be reasonable in all the circumstances. The Principal may refer to the matter to the relevant agency for further advice. A care plan should be drawn up and agreed with parents for all children, including those with special needs, who require intimate care on a regular basis.

First Aid

The existence of any life threatening or serious condition will determine the suitability and necessity of physical contact. In the absence of such justification employees who administer first aid should ensure that, wherever possible, other children or another adult can be present if there is any doubt over the possibility of any physical contact being misconstrued. All staff should adhere to the school's Health and Safety Policy.

Comments and Discussions with Pupils

Employees must avoid comments to or about pupils which could be taken to have sexual overtones. It is equally unacceptable for employees to encourage debate and discussion between groups of pupils, which could be interpreted as having sexual overtones, which 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 who are new to this area of work. This will call for the exercise of careful judgment 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 judgment 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' distress, employees will need to consider carefully whether they should offer advice, sympathy or counselling if a discussion enters a sensitive area or, alternatively, refer them to a colleague, for example a member of the Clinical team, or agency who is better placed to offer appropriate advice.

The persistent and hurtful use of sarcastic, demeaning or insensitive comments towards young people may also be regarded as a form of abuse which is potentially very damaging and should be avoided.

Infatuations

In cases where a young person develops an infatuation, there is a high risk of words or actions being misinterpreted and for allegations to be made against staff. Staff should report to the Principal any clear/apparent indications (whether they are verbal, written or physical) that suggest a pupil may be infatuated with them and respond sensitively to such situations in order to maintain the dignity of all parties.

Out of School and After School Activities

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 to that which applies within The Family School. Staff should always take care to have another adult present during out of school activities, unless otherwise agreed with senior staff. Employees should

be aware of the particular care, which should be taken with older, more mature pupils in these circumstances. Health and safety requirements should be strictly adhered to.

Teaching materials

The use of books, videos and films of an explicit or sensitive nature, particularly in relation to language or sexual behaviour must be given careful consideration to ensure that its selection is not subsequently misinterpreted. There should always, therefore, be a link with the objectives of the teacher's scheme of work/ programme.

Reporting Incidents

Teachers should report any concerns they may have following any incident where s/he feels that his/her actions may have been misinterpreted. This report should be made to the Principal 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 Principal. The teacher may also wish to seek advice from his/her professional association. Principals who face similar situations are advised to contact the Free School's Assigned Inspector.

Whilst reporting of incidents is always advisable it is particularly important to ensure that a contemporaneous 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.

Social contact: Personal letters and on-line communication

Staff should not establish or seek to establish social contact with pupils to secure or strengthen a friendship. This includes giving any personal details to a pupil such as a home/mobile phone number, home or email address. The school has a number of mobile telephones as well as a landline for professional contact with parent/carers. Whilst regular contact with parents/carers is encouraged in order to work closely with them for the benefit of their children, for example to give positive feedback at the end of the day, personal mobile phones should not be used.

It will rarely be appropriate for teachers to write personal notes or letters, or to send e-mail, to individual pupils. If a teacher believes it to be necessary to write a personal note to a pupil, s/he should discuss the purpose and context with a senior colleague, who should refer to the Principal or Child Protection Coordinator if they require further advice. This advice is not intended to curtail the use of e-mail where the School has agreed the use of this medium for submission of work, advice over aspects of subjects being covered or other professional matters and have ensured that parents and carers are aware of the School's policy. However, all teachers and other adults using e-mail in this context need to be aware of the less formal style that can characterise this form of communication and should ensure that responses do not convey an inappropriate tone. In particular, a friendly and chatty style committed to e-mail can easily be misconstrued by the recipient as the 'conversation' is effectively private to just two individuals, with all that this implies.

Teachers should keep 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 the School IT service, even if they are sending messages while working at home. Since these services can be monitored, they provide a measure of protection for both parties. The school will implement a guidance in which

pupils and adults understand what to do if they receive inappropriate e-mail messages from any source.

The increased availability of internet 'chat rooms' and similar on-line forums also poses risks for children and teachers. While they are popular among young people and offer many positive experiences, there is widespread concern about potential abusers attempting to groom new victims. The School's advice is that teachers should not use unregulated chat rooms for children and should be aware that it is impossible to determine the age of any participant in these environments.

Facebook and Social Media

Teachers should be aware of the risks posed by their social media profiles being accessible to the school community and should adjust their privacy settings accordingly. Staff should not have pupils as 'friends' and should not contact students or pupil's families or carers via their own personal social media accounts. The Family School may use social media sites as a means of communication but these will be school accounts and managed accordingly.

The following advice document provides useful information for teachers and support staff

<http://www.childnet.com/ufiles/Social-networking.pdf>

Internet use

Accessing child pornography or indecent images of children on the computer is illegal. Under no circumstances should adults in school access inappropriate images on the internet. The same rule applies to the use of the school's equipment by members of staff at home, eg use of laptops.

Photographs and videos

The use of any images of children for publicity purposes will require the appropriate consent of the individual concerned and their legal guardians. Staff should therefore:

- Ensure that they follow the school's procedures in taking photographs or other images
- Be clear about the purpose of the activity and about what will happen to the photographs when the lesson or activity is concluded
- Be able to justify images of children in their possession
- Ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose
- Ensure that all images are available for scrutiny in order to screen for acceptability

Further reference documents

Guidance for safe working practices for the protection of children and staff in education settings

School Whistle-blowing Policy

Behaviour Policy

Health and Safety Policy

Child Protection Policy