



STAFF CODE OF CONDUCT

Approved by: Cumbria Education Trust Board

Date: October 2016

Review Date: To be reviewed annually and updated as required following changes in legislation

Owner: Human Resources Manager, Cumbria Education Trust

1. Introduction

- 1.1 This Code of Conduct ('the Code') sets out the professional standards expected and the duty upon staff, Trust Board Directors, Local Advisory Board (LAB) members and volunteers to abide by it. All staff, Trust Board Directors, LAB members and volunteers have a duty to keep students safe, promote their welfare and to protect them from sexual, physical and emotional harm. This duty is, in part, exercised through the development of respectful, caring and professional relationships between adults and students and behaviour by adults that demonstrates integrity, maturity and good judgment. Following this Code will help to safeguard staff, Trust Board Directors, LAB members and volunteers from being maliciously, falsely or mistakenly suspected or accused of professional misconduct in relation to students and the required Professionals Standards.
- 1.2 Staff, Trust Board Directors, LAB members and volunteers must feel able to raise issues of concern and everyone must fully recognise the duty to do so, particularly in terms of child protection. Adults have a duty to report any child protection or welfare concerns to a designated member of staff in the academy. Anyone who has concerns should follow the procedures in the Whistleblowing Policy and the Statement of Procedures for Dealing with Allegations of Abuse Against Teachers and Other Staff and Volunteers. A member of staff who, in good faith, "whistleblows" or makes a public interest disclosure will have the protection of the relevant legislation.
- 1.3 This Code cannot provide an exhaustive list of what is, or is not, appropriate behaviour for staff, Trust Board Directors, LAB members or volunteers. However, it does highlight behaviour that is illegal, inappropriate or inadvisable in relation to students. There will be occasions and circumstances in which staff, Trust Board Directors, LAB members or volunteers have to make decisions or take action in the best interests of the student where no specific guidance has been given. Adults are expected to make responsible and informed judgements about their own behaviour in order to secure the best interests and welfare of the students for which that individual is responsible.
- 1.4 Any member of staff who is found to have committed a breach of this Code will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The Trust and individual academies will take a strict approach to serious breaches of this Code.
- 1.5 Where it is alleged that a member of staff, a Trust Board Director, LAB member or volunteer has:
 - behaved in a way that has harmed a child, or may have harmed a child;
 - possibly committed a criminal offence against or related to a child; or,

- behaved towards a child or children in a way that indicates s/he would pose a risk of harm to children
- behaved in a way that has harmed, or may harm a colleague within the school community

then the Trust and individual academies will follow the Academy's Statement of Procedures for Dealing with Allegations of Abuse Against Teachers and Other Staff and Volunteers, the Whistleblowing Policy and the guidance set out in Part Four of [Keeping Children Safe in Education DfE](#) - September 2016.

2. Expected Professional Standards

2.1 All staff, Trust Board Directors, LAB members and volunteers as appropriate to the role and/or job description of the individual, must:

- place the well-being and learning of students at the centre of their professional practice.
- have high expectations for all students, be committed to addressing underachievement, and work to help students progress regardless of their background and personal circumstances.
- treat students fairly and with respect, take their knowledge, views, opinions and feelings seriously, and value diversity and individuality.
- model the characteristics they are trying to inspire in students, including enthusiasm for learning, a spirit of enquiry, honesty, tolerance, social responsibility, patience, and a genuine concern for other people.
- respond sensitively to the differences in the home backgrounds and circumstances of students, recognising the key role that parents and carers play in students' education.
- seek to work in partnership with parents and carers, respecting their views and promoting understanding and co-operation to support the young person's learning and well-being in and out of the academy.
- reflect on their own practice, develop their skills, knowledge and expertise, and adapt appropriately to learn with and from colleagues.
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.

2.2 Teachers are required to comply with the Teachers' Standards in force 1 September 2012, in particular Part 2 Personal and Professional Standards.

2.3 All staff, Trust Board Directors, LAB members and volunteers must be familiar with and act in accordance with Part 1 of Keeping Children Safe in Education DfE September 2016.

3. Confidentiality

3.1 As data controllers, all academies are subject to the Data Protection Act 1998. In addition, teachers owe a common law duty of care to safeguard the welfare of their students. This duty is acknowledged in the provisions governing disclosure of information about students.

3.2 Members of staff, Trust Board Directors and LAB members may have access to confidential information about students in order to undertake their responsibilities. In some circumstances the information may be highly sensitive. Confidential or personal information about a student or her/his family must never be disclosed to anyone other than on a need to know basis. In circumstances where the student's identity does not need to be disclosed the information should be used anonymously. Information must never be used to intimidate, humiliate, or embarrass the student.

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

- 3.4 Confidential information about students must be held securely. Confidential information about students must not be held off the academy site other than on security protected academy equipment. Information must only be stored for the length of time necessary to discharge the task for which it is required.
- 3.5 If a member of staff is in any doubt about the storage of sharing of information he/she must seek guidance from a senior member of staff. Any media or legal enquiries must be passed to senior management.

4. Propriety, Behaviour, Reputation and Appearance

- 4.1 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 personal conduct in order to maintain the confidence and 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 work setting or bring the academy into disrepute. The misuse of drugs, alcohol or acts of violence would be examples of such behaviour.
- 4.2 A person's dress and appearance are matters of personal choice and self-expression. However, staff, Trust Board Directors, LAB members and volunteers must ensure they are dressed in ways which are appropriate to their role and not likely to be viewed as offensive, revealing or sexually provocative and specifically should not distract, cause embarrassment or give rise to misunderstanding, should be culturally sensitive and free of any political or otherwise contentious slogans, and not be considered to be discriminatory. Those who dress or appear in a manner which may be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct.
- 4.3 Personal property of a sexually explicit nature such as books, magazines, DVDs or such material on any electronic media must not be brought on to or stored on the academy premises or any academy equipment.

5 Sexual Contact with Children and Young People and Abuse of Trust

- 5.1 A relationship between an adult and a child or young person is not a relationship between equals. There is potential for exploitation and harm of vulnerable young people. Adults should maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report any incident with this potential.
- 5.2 Any sexual behaviour by a member of staff, volunteer or Trust Board Director, LAB member with or towards a child or young person is illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether there is consent or not. Where a person aged 18 or over is in a specified position of trust with a child or young person under 18 years, the Sexual Offences Act 2003 makes it an offence for that person to engage in sexual activity with or in the presence of that child or to cause or incite that child to engage in or watch sexual activity.
- 5.3 Sexual behaviour includes non-contact activities, such as causing a child or young person to engage in or watch sexual activity or the production of indecent images of children. 'Working Together to Safeguard Children' defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening".
- 5.4 Staff, Trust Board Directors, LAB members and volunteers must not have sexual relationships with students, have any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative, i.e., verbal comments, letters, notes, texts, electronic mail, phone calls, social networking contact or physical contact. The adult should not make sexual remarks to, or about, a child or young person or discuss their own sexual relationships with or in the presence of students. Staff, Trust Board, LAB members and

volunteers should take care that their language or conduct does not give rise to comment or speculations. Attitudes, demeanour and language all require care and thought.

- 5.5 There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child or young person, and manipulate that relationship so that sexual abuse can take place. Staff and volunteers should be aware that conferring special attention without good reason or favouring a student has the potential to be construed as being part of a 'grooming' process, which is a criminal offence.

6. Infatuations and Crushes

- 6.1 A child or young person may develop an infatuation with an adult who works with them. A member of staff or volunteer, who becomes aware that a student may be infatuated with him/herself or a colleague, must report this without delay to a senior colleague so that appropriate action can be taken. The situation will be taken seriously and the adult should be careful to ensure that no encouragement of any kind is given to the student.

- 6.2 Examples of situations which must be reported are given below:

- Where a member of staff or volunteer is concerned that he or she might be developing a relationship with a student which could have the potential to represent an abuse of trust.
- Where a member of staff or volunteer is concerned that a student is becoming attracted to him or her or that there is a developing attachment or dependency.
- Where a member of staff or volunteer is concerned that actions or words have been misunderstood or misconstrued by a student such that an abuse of trust might be wrongly suspected by others.
- Where a member of staff or volunteer is concerned about the apparent development of a relationship by another member of staff or volunteer, or receives information about such a relationship.

7 Gifts

- 7.1 It is against the law for public servants to take bribes. Staff, Trust Board Directors, LAB members and volunteers need to take care that they do not accept any gift that might be construed by others as a bribe, or lead the giver to expect preferential treatment. There are occasions when students 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.

- 7.2 Personal gifts must not be given to students. This could be misinterpreted as a gesture either to bribe or single out the young person. It might be perceived that a 'favour' of some kind is expected in return. Any reward given to a student should be consistent with the guidance in the academy's Behaviour Policy, recorded and not based on favouritism.

8 Social Contact and Social Networking

- 8.1 Communication between students and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, text messaging, emails, digital cameras, videos, web-cams, websites and blogs. Adults should not share personal information with a child or young person. 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. If a student seeks to establish social contact, or if this occurs coincidentally, the adult should exercise his or her professional judgment in making a response and should ensure that all communications are transparent and open to scrutiny.

- 8.2 Staff and volunteers must not give their personal details such as home/mobile phone number, home or personal email address or social networking details to students unless the need to do so is agreed with senior management.
- 8.3 It is recommended that staff ensure that all possible privacy settings are activated to prevent students from making contact on personal profiles and to prevent students from accessing photo albums or other personal information which may appear on social networking sites.
- 8.4 Staff must not have any students or any ex-students under the age of 18 as friends on their social networking sites. Staff are advised not to have any online friendships with any young people under the age of 18, unless they are family members or close family friends. Staff are advised not to have online friendships with parents or carers of students, or members of the Trust Board or LAB members. Where such online friendships exist, staff must ensure that appropriate professional boundaries are maintained.
- 8.5 Staff are personally responsible for what they communicate in social media and must bear in mind that what is published might be read by us, students, the general public, future employers and friends and family for a long time. Staff must ensure that their online profiles are consistent with the professional image expected by us and should not post material which damages the reputation of the academy 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 Trust's disciplinary procedure. Even where it is made clear that the writer's views on such topics do not represent those of the trust or individual academy, such comments are inappropriate.

9 Physical Contact and Personal Privacy

- 9.1 There are occasions when it is entirely appropriate and proper for staff to have physical contact with students, but it is crucial that they do so only in ways appropriate to their professional role. When physical contact is made with students 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. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one student in one set of circumstances may be inappropriate in another, or with a different student.
- 9.2 Physical contact should never be secretive or casual, or for the gratification of the adult, or represent a misuse of authority. If a member of staff or volunteer believes that an action could be misinterpreted, the incident and circumstances should be reported to schools safeguarding team who will log this in the academy's incident book, and, if appropriate, a copy placed on the child/young person's file.
- 9.3 Physical contact, which occurs regularly with a student or students, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to students with SEND). Any such contact should be the subject of an agreed and open academy policy and subject to review. Where feasible, staff should seek the student's permission before initiating contact. Staff should listen, observe and take note of the student's reaction or feelings and – so far as is possible – use a level of contact which is acceptable to the student for the minimum time necessary.
- 9.4 There may be occasions when a distressed student 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.
- 9.5 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 a senior manager.

- 9.6 Some staff, for example, those who teach PE and games, or who provide music tuition will on occasions have to initiate physical contact with students in order to support a student 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 student's agreement. 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 student.
- 9.7 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 or teasing does not occur. This supervision should be appropriate to the needs and age of the students concerned and sensitive to the potential for embarrassment.

10 Behaviour Management and Physical Intervention

- 10.1 All students have a right to be treated with respect and dignity. Corporal punishment is unlawful in all academies. Staff and volunteers must not use any form of degrading treatment to punish a student. The use of sarcasm, demeaning or insensitive comments towards students is not acceptable in any situation. Shouting aggressively or hectoring is not acceptable in any situation. Deliberately intimidating students by overweening physical presence is not acceptable in any situation.
- 10.2 Physical intervention can only be justified in exceptional circumstances. Please refer to the academy procedures on physical restraint and in addition non-statutory guidance is available from the Department of Education website. See 'Guide for Heads and Academy Staff on behaviour and discipline (including reasonable force) for maintained schools' and 'Use of reasonable force - advice for Headteachers, Staff and Governing Bodies for all schools and academies'. Staff may legitimately intervene to prevent a student from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behaviour 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 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.
- 10.3 All academies must have trained first aiders/appointed persons. Staff must have had the appropriate training before administering first aid or medication, except in an emergency.

11 One to One Situations and Meetings with Students

- 11.1 One to one situations have the potential to make children/young people more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with students may also be more vulnerable to unjust or unfounded allegations being made against them. Staff must recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure that the safety and security needs of both staff and students are met. Managers should assess the risk in relation to the specific nature and implications of one to one work for each worker and student. Where such a meeting is demonstrably unavoidable it is advisable to avoid remote or secluded areas of the academy and to ensure that the door of the room is left open and/or visual/auditory contact with others is maintained. Any arrangements should be reviewed on a regular basis.
- 11.2 Pre-arranged meetings with students away from the academy premises or on the academy site when the academy is not in session are not permitted unless approval is obtained from their parent/carer and the Headteacher or other senior colleague with delegated authority.
- 11.3 No child or young person should be in or invited into the home of an adult who works with them, unless the reason for this has been established and agreed with parents/carers and a senior manager/Headteacher.

12 Transporting Students

- 12.1 In certain situations e.g., out of school activities, staff, volunteers or Trust Board, LAB members may agree to transport students. Wherever possible transport arrangements should be made in advance by a designated member of staff. Wherever possible and practicable, transport should be provided other than in private vehicles, with at least one adult additional to the driver acting as an escort.
- 12.2 Adults should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They must ensure that the vehicle is roadworthy and appropriately insured and that the maximum capacity is not exceeded.
- 12.3 It is inappropriate for staff to offer lifts to a child or young person outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with parents/carers.
- 12.4 There may be occasions where the child or young person requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

13 Educational Visits and Academy Clubs

- 13.1 Staff and volunteers should take particular care when supervising students in the less formal atmosphere of an educational visit, particularly in a residential setting, or after-school activity. Staff and volunteers remain in a position of trust and the same standards of conduct apply. Please refer to the Educational Trips & Visits Policy.

14 Curriculum

- 14.1 Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity.
- 14.2 The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to students' questions can require careful judgement and staff must take guidance in these circumstances from a senior member of staff. Staff and volunteers must not enter into or encourage inappropriate discussion about sexual activity or behaviour.
- 14.3 Please refer to the Sex and Relationships Education Policy.

15 Photography, Videos and other Creative Arts

- 15.1 On admission to one of the trusts family of academies we will ensure that parents complete a Publicity Consent Form (a copy available on request). There may be opportunities to publicise some of the activities that a child is involved with and this may involve filming or photographing children for use in local media. As a family of academies we welcome these opportunities. There may be occasions when we will arrange photography for academy purposes, e.g., displays and academy prospectus or brochures and the academy website, etc. Please note that web applications mean that information is available worldwide, including countries where there is no data protection legislation. Photography or filming will occur only with the permission of the Headteacher and under the supervision of a member of academy staff. Where filming or photography is carried out by the media, students will be named only when there is good reason, e.g., celebrations and achievements, etc. A child's home address will never be disclosed.

16 Internet Use and Electronic Communication

- 16.1 The individual academies have an E-Safety Policy which refers to use of internet use, electronic communication and security. Academy email systems should only be used in accordance with this policy.
- 16.2 Under no circumstances should adults in the academy access inappropriate images. Deliberately accessing pornography on academy equipment 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 lead to criminal prosecution and may result in barring from work with children and young people
- 16.3 Staff and volunteers must ensure that students are not exposed to any inappropriate images or web links. Staff and volunteers must ensure that children have appropriate controls with regard to access and personal passwords should be kept confidential.

17 Unacceptable Use of ICT Facilities and Monitoring

- 17.1 Posting, creating, accessing, transmitting, downloading, uploading or storing any of the following material (unless it is part of an authorised investigation) is likely to amount to gross misconduct and result in summary dismissal (this list is not exhaustive):
 - a. pornographic or sexually suggestive material or images of children or adults which may be construed as such in the circumstances (that is, writing, texting, pictures, films and video clips of a sexually explicit or arousing nature),
 - b. any other type of offensive, obscene or discriminatory material or criminal material or material which is liable to cause distress or embarrassment to Academy or others.
- 17.2 The contents of our ICT resources and communications systems are the Trust's property. Therefore, staff should have no expectation of privacy in any message, files, data, document, facsimile, telephone conversation, social media post, conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored or recorded on our electronic information and communications systems.
- 17.3 We reserve the right to monitor, intercept and review, without further notice, staff usage of our IT resources and communications systems, including but not limited to telephone, email, messaging, voicemail, CCTV, internet and social media postings and activities, to ensure that our rules are being complied with and for the following purposes:
 - a. to monitor whether the use of the email system or the internet is legitimate and in accordance with this Code:
 - b. to assist in the investigation of alleged wrongful acts; or
 - c. to comply with any legal obligation
- 17.4 Staff consent to monitoring by acknowledgement of this Code and the use of our resources and systems. We may store copies of data or communications for a period of time after they are created, and may delete such copies from time to time without notice. If necessary, information may be handed to the police in connection with a criminal investigation.
- 17.5 Where CCTV monitoring is in place in an academy, this data is recorded and may be used as evidence of any alleged wrongdoing.

18 Reporting Concerns and Recording Incidents

18.1 All staff, Trust Board Directors, LAB members and volunteers must report concerns and incidents in accordance the guidance set out in [Keeping Children Safe in Education DfE](#) September 2016, the Whistleblowing Policy and/or the Statement of Procedures for Dealing with Allegations of Abuse Against Teachers and Other Staff and Volunteers. The following is a non-exhaustive list of behaviours which would be a cause for concern:

An adult who:

- Allows a student/young person to be treated badly; pretends not to know it is happening;
- Gossips/shares information inappropriately;
- Demonstrates inappropriate discriminatory behaviour and/or uses inappropriate language;
- Dresses in a way which is inappropriate for the job role;
- Does not treat students fairly – demonstrates favouritism;
- Demonstrates a lack of understanding about personal and professional boundaries;
- Uses his/her position of trust to intimidate, threaten, coerce or undermine;
- Appears to have an inappropriate social relationship with a student or students;
- Appears to have special or different relationships with a student or students;
- Seems to seek out unnecessary opportunities to be alone with a student.