THE HOWARD PARTNERSHIP TRUST (THPT)

4. Staff Code of Conduct

Date created: October 2017
THPT Committee Responsible: THPT Trust Board
THPT Lead: Director of HR, Trust Safeguarding Lead
School Specific Lead: Head/Executive Head

Review period: Annually
Last reviewed: July 2019
Next due for review: September 2020

Safeguarding and promoting the welfare of children and young people is everyone’s responsibility. THPT Schools are committed to safeguarding and promoting the welfare of children and young people and we expect all staff and volunteers to share this commitment.

This policy is part of the following THPT suite of annually updated safeguarding policies;

1. Child Protection and Safeguarding
2. Supporting Children at School with Medical Needs/Managing Medicines
3. Internal Complaints and concerns (whistleblowing)
4. Staff Code of Conduct
5. Mental Health and Wellbeing
6. Online Safety
1.0 Introduction

1.1 This policy sets out clear guidance on the standards of behaviour expected from all staff within The Howard Partnership Trust (THPT). The principles underlying the guidance aim to encourage staff to achieve the highest possible standards of conduct and minimise the risk of inappropriate conduct occurring.

1.2 School staff are in a unique position of trust and influence as role models for pupils. Therefore, staff must adhere to behaviour that sets a good example to all pupils within the school.

1.3 Staff also have an individual responsibility to maintain their reputation and the reputation of the school, both inside and outside working hours and work setting.

1.4 This policy applies to all staff and volunteers in the school regardless of their position, role or responsibility. References to ‘staff’ throughout the policy relate to all of the following groups:

1.4.1 All members of staff including teaching and support staff

1.4.2 Volunteers, including Governors and Trustees

1.4.3 Casual workers

1.4.4 Temporary and supply staff, either from agencies or engaged directly

1.4.5 Student placements, including those undertaking initial teacher training and apprentices.

1.5 THPT requires that all staff have read and agree to comply with this policy.

1.6 Breach or failure to observe this policy will result in action being taken under the school disciplinary procedures including, but not limited to, dismissal.

1.7 In addition to this code of conduct, teachers are to meet the standards outlined in the Teachers’ Standards published by the Teaching Agency ('Personal and Professional Conduct').

1.8 This code of conduct is not an exhaustive list of acceptable and unacceptable standards of behaviour. In situations where guidance does not exist in this policy staff are expected to exercise their professional judgement and act in the best interests of the pupils and the school.

1.9 This code of conduct should be read in conjunction with revised 2018 version of Keeping Children Safe in Education.
2.0 **Professional Behaviour and Conduct**

2.1 Staff are expected to demonstrate the highest possible standards of personal and professional conduct and behaviour, and consistently act with honesty and integrity. THPT expects staff to treat each other, pupils, parents/carers and the wider community with dignity and respect at all times. The 7 Principles of Public Life (Nolan) apply to all THPT staff. The principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

2.2 Staff must act in accordance with their duty of care to pupils and ensure that the safety and welfare of pupils are accorded the highest priority.

2.3 Staff should show fairness in their treatment of children and avoid behaviours such as embarrassing or humiliating pupils, making jokes at the expense of pupils, discriminating against or favouring pupils and sarcasm.

2.4 Staff must show tolerance of and respect the rights of others and should uphold the fundamental British values including democracy, the rule of law, individual liberty, mutual respect, and tolerance of those with different faiths and beliefs.

2.5 Staff must have regard for the ethos and values of the school and must not do or say anything which may bring the school or governing body into disrepute. Care should be taken by staff to avoid any conflict of interest between activities undertaken outside school and responsibilities within school. Staff should act in accordance with the school’s policies and procedures at all times.

2.6 The Trust expects all employees to comply with lawful written and oral instruction unless to do so would result in a health and safety risk.

2.7 Employees are responsible for ensuring that their private interests or beliefs do not conflict with their professional duties.

2.8 All employees should declare any non-financial or financial interest which might conflict with the ethos or work of the Trust and setting. No employees should be involved in the appointment, discipline or pay progression of another individual to whom they are related or with whom they have a close personal relationship.

2.9 Declarations must be made via the Finance or HR Team, as appropriate, who should ensure that a written record is made in accordance with the Trust’s procedure. For financial matters this includes the involvement of a relative or partner of an employee in an organisation with which the Trust may do business now or in the future. If in doubt, employees should either declare the information in any case immediately, or else seek further advice from the Finance or HR Team immediately, as appropriate.
3.0 **Dress and Appearance**

3.1 THPT recognise that dress and appearance are matters of personal choice and self-expression. However, all staff must dress in a manner that is appropriate to a professional role and that promotes a professional image.

3.2 Staff should dress in a manner that is not offensive, revealing or sexually provocative and in a manner that is absent from political or contentious slogans.

3.3 Staff should dress safely and appropriately for the tasks they undertake in line with the THPT staff dress code.

3.4 Tattoos and body art should be covered while staff are in school. Discreet earrings and nose studs are acceptable but all other body piercings should be removed while on school premises.

4.0 **Smoking, alcohol, e-cigarettes and other substances**

4.1 THPT schools are non-smoking sites. Staff must not smoke or use e-cigarettes on school premises or outside school gates. Any member of staff wishing to smoke or use an e-cigarette must leave the school grounds.

4.2 Staff must not smoke or use an e-cigarette whilst working with or supervising pupils offsite.

4.3 Staff must not consume or be under the influence of alcohol, illicit drugs or other illegal substances on or near school premises.

4.4 The consumption of alcohol at employee events or meetings is subject to the authorisation of the leadership of the school or Trust.

4.5 Staff must not consume alcohol when in *loco parentis* on school residential trips.

5.0 **Relationships with Pupils**

5.1 Staff must maintain professional boundaries with pupils appropriate to their position and must always consider whether their actions are warranted, proportionate, safe and applied equitably. Staff should act in an open and transparent way that would not lead any reasonable person to question their actions or intent. Staff should think carefully about their conduct so that misinterpretations are minimised.

5.2 Staff must not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. If a young person seeks to establish social contact, staff should exercise their professional judgement in making a response and be aware that such social contact could be misconstrued.

5.3 Staff must not develop personal or sexual relationships with pupils and should not engage in any sexual activity with a pupil/student. Sexual activity does not just involve physical contact; it includes penetrative and non-penetrative acts.
5.4 *Working Together to Safeguard Children*¹ defines sexual abuse 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. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).

5.5 Staff should be mindful of sections 15A and 16 of The Sexual Offences Act 2003² ³.

5.6 Staff must not make sexual remarks to a pupil, discuss their own sexual relationships with, or in the presence of, pupils or discuss a pupil’s sexual relationships in an inappropriate setting or context.

5.7 Contact with pupils should be through THPT’s authorised mechanisms. Personal phone numbers, personal email addresses or communication routes via social media platforms should not be used and staff should not share their home address with pupils. If contacted via an inappropriate route the member of staff must inform the Head immediately.

5.8 THPT staff must not accept friend invitations or become friends with any pupil within THPT on any social media platform. Staff should also refrain from following the Twitter or other similar social media accounts of pupils. Staff must read the school’s *E-safety Policy* carefully and follow all advice and guidance contained within it.

### 6.0 Infatuations

6.1 It is not unusual for pupils or, sometimes, their parents to develop infatuations towards members of staff. All such situations must be responded to sensitively to maintain the dignity of those concerned.

6.2 Staff should also be aware that such circumstances carry a high risk of words or actions being misinterpreted and for allegations to be made against staff. Any indications of an infatuation towards yourself or another member of staff must be reported to your line manager.


²Section 15A of the Sexual Offences Act 2015 (Contained in section 67 of the Serious Crime Act 2015) which criminalises a person aged 18 years or over who intentionally communicates with a child under 16 (who the adult does not reasonably believe to be 16 or over), if the communication is sexual or if it is intended to elicit from the child a communication which is sexual. The offence is only committed if the adult acts for the purpose of obtaining sexual gratification.

³Section 16 of The Sexual Offences Act 2003 provides that it is an offence 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.
7.0 Gifts/Hospitality

7.1 Staff need to take care that they do not accept any gift/offer of hospitality that might be construed as a bribe by others, or lead the giver to expect preferential treatment. However, there may be occasions where pupils or parents wish to give a small token of appreciation to staff, for example at religious festivities or at the end of the academic year.

7.2 It is unacceptable to receive gifts on a regular basis or to suggest to pupils that gifts are appropriate or desired. Money must not be accepted as a gift. If you are unsure whether to accept a gift you should consult your line manager.

7.3 Staff must not accept significant gifts or hospitality from pupils, parents, carers, actual or potential contractors or outside suppliers. All such gifts/offers of hospitality should be reported to your line manager and recorded.

7.4 Personal gifts must not be given by staff to pupils and any reward to pupils should be in accordance with THPT’s Behaviour Policy, recorded and not based on favouritism.

8.0 Physical Contact with Pupils

8.1 There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role. A 'no touch' approach is impractical for most staff but may in some circumstances be appropriate. When physical contact is made with pupils it should be in response to their needs at that time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background.

8.2 Where feasible, staff should seek the child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or feelings and, so far as is possible, use a level of contact which is acceptable to the child for the minimum time necessary.

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

8.4 Staff should be aware that even well-intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described. Staff should never touch a child in a way which may be considered indecent. Always be prepared to explain actions and accept that all physical contact will be open to scrutiny. Staff must not engage in rough play, tickling or fun fights with pupils.

8.5 Extra caution should be exercised where a child is known to have suffered previous abuse or neglect. Such experiences may sometimes make a child exceptionally needy and demanding of physical contact and staff should respond sensitively by deterring the child through helping them to understand the importance of personal boundaries.
8.6 Staff supervising PE and games or providing musical tuition should demonstrate the use of a particular piece of equipment/instrument on another member of staff if possible. However, they may be required to initiate physical contact with pupils to support a child to perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or to assist them with an exercise. Contact under these circumstances should be done with the pupil/student’s agreement, for the minimum time necessary and in an open environment. Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil/student.

8.7 Physical contact must never be secretive, for the gratification of the adult or represent a misuse of authority.

8.8 If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be reported to your line manager, recorded and, if appropriate, a copy placed on the child’s file.

8.9 Staff should refer to the school’s Physical Intervention/Positive Handling/Intimate Care Policies.

9.0 Child in distress

9.1 There may be occasions when a pupil/student is in distress and in need of comfort as a 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.

9.2 Such incidents should always be recorded and shared with your line manager. If you have a particular concern about the need to provide this type of care and reassurance you should seek further advice from your line manager.

10.0 Showers and changing

10.0 Pupils are entitled to respect and privacy whilst they are changing or showering after PE/games or swimming. However, there needs to be an appropriate level of supervision in order to safeguard young people, meet health and safety requirements and to ensure that bullying does not take place. The supervision should be appropriate to the needs and age of the pupils and sensitive to the potential for embarrassment.

10.1 Staff should be vigilant about their own behaviour and announce their intention of entering a changing room. Personal and school devices with a camera or video function should not be taken into areas where children are showering or changing. Staff must not change or shower in the same place as children.

11.0 One-to-one situations

11.1 Staff working individually with pupils should be aware of the potential vulnerability of pupils and staff in such situations. Staff should manage these situations with regard to the safety of the pupil/student and to themselves.
11.2 Individual work with pupils should not be undertaken in isolated areas or rooms where there is no external viewing panel. Where it is necessary to close doors for reasons of confidentiality a colleague should be made aware of this and asked to remain vigilant.

12.0 Transporting pupils

12.1 In certain circumstances it may be appropriate for staff to transport pupils offsite, for example sports fixtures, swimming lessons or other out of school activities. A designated member of staff should be appointed to plan and provide oversight of all transport arrangements and to respond to any difficulties that may arise.

12.2 Staff should ensure that the transport arrangements and the vehicle meet all legal requirements. Staff should ensure that the driver has the appropriate licence for the vehicle, that the vehicle is roadworthy, has a valid MOT certificate and is appropriately insured and that the maximum capacity is not exceeded.

12.3 Staff should ensure that the driver is not distracted while the vehicle is in motion for any reason other than an emergency and should also ensure all passengers are wearing correctly fastened seatbelts. Staff should never transport pupils while under the influence of alcohol or drugs.

12.4 Prior to transporting pupils offsite, consent must be obtained from pupil/pupils’ parent/guardian and staff should be aware that the safety and welfare of the pupils is their responsibility until this is safely passed back to their parent/carer.

13.0 Online Safety

13.1 Staff should follow the Trust’s Online Safety policy for staff and the Acceptable Use Policy at all times and have regard for the school’s Online Safety policy for pupils.

13.2 Staff must not engage in inappropriate use of social network sites which may bring themselves, the school or the school community into disrepute. Staff should adopt the highest security settings on any personal profiles they have. Staff must also comply with the THPT social media protocols and guidance.

13.3 Staff should remain mindful of their digital tattoo and exercise caution in all their use of social media or any other web-based presence they have. This includes written content, videos or photographs and views expressed either directly or by ‘liking’ certain pages or posts or following certain individuals or groups. Staff should exercise care when using dating websites where staff could encounter pupils.

13.4 Staff must not make contact with pupils or ex-pupils, must not accept or initiate friend requests nor follow pupil/student or ex-pupil accounts on any social media platform. Staff must not communicate with pupils or ex-pupils via social media, websites, instant messenger accounts or text message. The only acceptable method of contact is via the use of school email accounts or telephone equipment.

13.5 Staff should not make contact with pupils’ family members, accept or initiate friend requests or follow pupils’ family members’ accounts on any social media platform.
13.6 However, THPT acknowledges that staff who are also parents may wish to make contact with other parents, who are friends, over social media. Staff must exercise caution and professional judgement in these circumstances and should not have any contact with pupils’ family members via social media if that contact is likely to constitute a conflict of interest or call into question their objectivity.

13.7 Mobile phones and personally-owned devices such as tablets may not be used during lessons or formal school time. They should be switched off (or silent) at all times. The Bluetooth functionality of a mobile phone or tablet should be switched off at all times and may not be used to send images or files to other mobile phones. Mobile phones and personal devices, cameras and videoing equipment are not permitted in certain areas within the school site such as changing rooms and toilets.

13.8 The camera and filming functions of personally-owned mobile devices must not be used in school, on school trips or on official school business.

13.9 Mobile phones and personally-owned mobile devices brought in to school are the responsibility of the device owner. THPT accepts no responsibility for the loss, theft or damage of personally-owned mobile phones or mobile devices.

14.0 Photography, video and images of children

14.1 Many school activities involve recording images as part of the curriculum, extra school activities, publicity or to celebrate an achievement. In accordance with The Data Protection Act 1998, the image of a pupil/student is personal data. Therefore, it is a requirement under the Act for consent to be obtained from the parent/guardian of a pupil/student for any images made. It is also important to take into account the wishes of the pupil/student, remembering that some pupils do not wish to have their photograph taken or be filmed.

14.2 Using images for publicity purposes will require the age-appropriate consent of the individual concerned and their parent/guardian. Images should not be displayed on websites, in publications or in a public place without their consent. Staff should also be clear about the purpose of the activity and what will happen to the photographs/images/video footage when the lesson or activity is concluded.

14.3 Photographs/stills or video footage of pupils should only be taken using school equipment for purposes authorised by the school and should be stored securely and only on school equipment.

14.4 Staff should ensure that a member of the Senior Leadership Team is aware of the proposed use of photographic/video equipment and that this is recorded in lesson plans. All photographs/stills and video footage should be available for scrutiny and staff should be able to justify all images/video footage made.

14.5 Staff should remain aware of the potential for images of pupils to be misused to create indecent images of children and/or for grooming purposes. Therefore, careful consideration should be given to how activities which are being filmed or photographed are organised and undertaken. Particular care should be given when filming or photographing young or
vulnerable pupils who may be unable to question how or why the activities are taking place. Staff should also be mindful that pupils who have been abused through the use of video or photography may feel threatened by its use in a teaching environment.

15.0 Confidentiality

15.1 Members of staff may have access to confidential information about pupils, their parents/carers or their siblings. Staff must not reveal such information except to those colleagues who have a professional role in relation to the pupil/student on a need to know basis. All information collected, stored and managed by the Trust is kept in line with the General Data Protection Regulation (GDPR) legislation.

15.2 Staff should never use confidential or personal information about a pupil/student or her/his family for their own, or others’ advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the pupil/student.

15.3 All staff are likely at some point to witness actions which need to be confidential. For example, where a pupil/student is bullied by another pupil/student, this needs to be reported and dealt with in accordance with the appropriate school procedure. It must not be discussed outside the school, including with the pupil/student’s parent or carer, nor with colleagues in the school except by a senior member of staff with the appropriate authority to deal with the matter.

15.4 Staff have a statutory obligation to share with school’s Designated Safeguarding Lead or Deputy Designated Safeguarding Lead any information which gives rise to concern about the welfare or safety of a pupil/student or that might suggest a pupil/student is in need or at risk of significant harm. Staff should pass on information without delay in accordance with THPT’s Safeguarding and Child Protection Policy and procedures and this should be recorded. Staff must never promise a pupil/student that they will not act on or pass on any information that they are told by the pupil/student.

15.5 Staff should refer to the Department of Education’s document ‘Information sharing: advice for practitioners providing safeguarding services’ for further guidance on information sharing. If you are in any doubt as to whether to share information, you should seek guidance from a member of the Senior Leadership Team.

15.6 Any media or legal enquiries should be passed to the Senior Leadership Team and only approved staff and Governors should communicate to the media about the school.

16.0 Parents as employees

16.1 It is acknowledged that some staff also have children who attend the school. It is recognised that in these cases the staff fulfil a dual role of parent and employee.

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16.2 Parents as employees should ensure that they uphold boundaries between the two roles and that their behaviour does not constitute a conflict of interest. For example, they must maintain the same level of confidentiality despite social expectations and should ensure they follow proper process and not use working time to address their parental matters. Parent-staff should discuss any inter-role conflict with their line manager.

17.0 Whistleblowing

17.1 Whistleblowing is the mechanism by which staff can voice their concerns, without fear of repercussion.

17.2 All school staff have a duty to report any behaviour by a colleague which raises concern. Staff should refer to THPT’s Whistleblowing Policy for further guidance. This is particularly important where the welfare of pupils may be at risk.

18.0 Compliance

18.1 All staff must complete the form in Appendix 1 to confirm they have read, understood and agree to comply with this policy. This form should be signed and dated, and a copy retained on the member of staff’s file.

19.0 Equality Issues

19.1 All employees and members of the local community have a right to be treated with fairness and equality. Employees must ensure that they comply at all times with the Trust’s Equality Policy and other employment policies in relation to equality issues.

19.2 The bullying or harassment of other work colleagues, pupils or other members of the community is considered to be gross misconduct. Employees are expected to report any concerns or suspicions they may have about the treatment of others to their line manager or the Head.

20.0 Contractors and Competitive Tendering

20.1 All contractors should be treated with courtesy and respect.

20.2 Any orders and contracts must be awarded by fair and open competition against other tenders. No special favour must be shown to current or recent former employees or associates or contractors or personal contacts in awarding contracts.

20.3 Employees must declare any relationship with a particular contractor, or any potential contractors, to the appropriate manager.

20.4 Employees should be clear on the separation of client and contractor roles. Senior employees who have both a client/contractor responsibility must be aware of the need for accountability and openness.

20.5 Employees privy to confidential information on tenders of costs relating to contractors should not disclose the information to any unauthorised party or organisation.
21.0 Use of the Trust’s Material, Property or Resources
   21.1 Employees must ensure that any funds entrusted to them are used in a responsible and lawful manner. Employees should not make personal use of any Trust property, facilities, equipment, materials, vehicles or resources unless properly authorised to do so and, should ensure they are used and stored in a responsible and lawful manner and in accordance with the most recent Data Protection (GDPR) and Information Assurance protocols, as appropriate.

22.0 Criminal Charges or Convictions or External Safeguarding Concerns
   22.1 All employees must inform the Head or team leader immediately if they are issued with any criminal conviction, caution, reprimand or final warning or are the subject of a police investigation during the course of their employment with the Trust. They must also immediately report if a member of their own household or family are subject to investigations or allegations of a safeguarding nature. The Head or team leader will discuss the matter with the employee in the context of the role they perform and their duty to safeguard young people.

23.0 Health and Safety
   23.1 All employees have a shared duty to help prevent injuries or accidents occurring at work by complying with the Trust’s Health and Safety Policies and all instructions relating to safety and security procedures.

24.0 Secondary Employment
   24.1 Employees are able to take up additional employment other than with the Trust provided the employment concerned does not constitute a conflict of interest or adversely affect their employment with the Trust.

   24.2 Employees should, however, keep the Trust informed of other employment they undertake so that the Trust may ensure that the 48-hour weekly working time limit under the Working Time Regulations 1998 is adhered to. In the event that your combined working hours are likely to exceed this figure you will be asked to sign a working time ‘opt out’ agreement.

   24.3 If your secondary employment is on a ‘self-employed’ basis and you have reason to expect to trade in any way with the Trust, it should be noted that for the purposes of HMRC the Trust would not be at liberty to contract you in this way and would have to treat you as an employee, deducting tax and national insurance.

25.0 Employment Policies
   25.1 The Trust has a range of employment policies in place. You must familiarise yourself with any policy the Trust or your setting have provided to you and ensure that you take account of any future policy changes communicated to you.
Appendix 1

Confirmation of compliance

I hereby confirm that I have read, understood all policies within the safeguarding suite and agree to comply with THPT’s Staff Code of Conduct.

I have read and understood Part 1 of Keeping Children Safe in Education 2019.

I will inform my line manager immediately in the event of any changes to my personal circumstances that might impact on my suitability to work with children.

I will inform my line manager immediately of an arrest or caution received from the police.

Name  ____________________________________________

Position/Post Held  ____________________________________________

Signed  ___________________________  Date  ________________

Once completed, signed and dated, please return this form to the Head