

Guidance for Safe Working Practice



Child Protection and Safeguarding

Guidance for Safe Working Practice

I. Definitions

Throughout this document references are made to "children", "young people" and "pupils". All refer to children under the age of 18 years. 'School' refers to Cropwell Bishop Primary School.

References to "staff" or "adults" include teachers, support staff, governors and volunteers working at Cropwell Bishop Primary School.

II. Overview

The vast majority of adults who work with children in education settings act professionally. They seek to provide a safe and supportive environment, which secures the well-being and very best outcomes for children and young people in their care. It is recognised that achieving these aims is not always straightforward. Much relies on pupil and staff interactions where tensions and misunderstandings can occur. It is here that staff behaviours can give rise to allegations being made against them. Allegations may be genuine, malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.

Staff working in education settings have expressed concern about their vulnerability and have requested clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. They have asked for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided.

This document has been produced in response to these concerns. It seeks to ensure that the duty of care towards pupils and staff is promoted by raising awareness of illegal, unsafe and unwise behaviour. It is hoped that it will also assist staff to monitor their own standards and practice. This document is based upon guidelines set out in *Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings* Produced by: The National Network of Investigation and Referral Support Co-ordinators, February 2005.

III. Underpinning Principles

- The welfare of the child is paramount (Children Act 1989).
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Staff should work, and be seen to work in an open and transparent way.
- Staff should discuss and/or take advice promptly from the Head Teacher over any incident, which may give rise to concern.
- Records should be made of any such incident and of decisions made and/or further actions agreed.
- Staff should apply the same professional standards regardless of gender or sexuality.
- All staff should know the name of the designated person for child protection, be familiar with local child protection arrangements and understand their responsibilities to safeguard and protect children and young people.
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.

Introduction

Staff have a crucial role to play in shaping the lives of young people. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring. This guidance has been produced to help staff establish the safest possible learning and working environments. The aims are to safeguard young people and reduce the risk of staff being falsely accused of improper or unprofessional conduct.

Duty of Care

Teachers and other education staff are accountable for the way in which they exercise authority; manage risk; use resources; and protect pupils from discrimination and avoidable harm.

All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from physical and emotional harm. This duty is in part exercised through the development of respectful, caring and professional relationships between staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgement.

LAs, schools and parents have legitimate expectations about the nature of professional involvement in the lives of pupils. When individuals accept a role that involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Exercise of Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour that is illegal, inappropriate or inadvisable. There will be occasions and circumstances in which staff have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge and in so doing, will be seen to be acting reasonably.

Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people in education settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

This means that these guidelines:

- *apply to **all** adults working in education settings whatever their position, roles, or responsibilities.*

This means that adults should:

- *understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached*
- *always act, and be seen to act, in the child's best interests*
- *avoid any conduct which would lead any reasonable person to question their motivation and intentions*
- *take responsibility for their own actions and behaviour.*

This means that where no specific guidance exists staff should:

- *discuss the circumstances that informed their action, or their proposed action, with a senior colleague. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- *always discuss any misunderstanding, accidents or threats with a senior manager*
- *always record discussions and actions taken with their justifications.*

This means that adults should not:

- *use their position to gain access to information for their own advantage and/or a child's or family's detriment*
- *use their power to intimidate, threaten, coerce or undermine pupils*
- *use their status and standing to form or promote relationships with children which are of a sexual nature.*

Wherever possible, staff should avoid behaviour, which might be misinterpreted by others, and report and record any incident with this potential.

Where a person aged 18 or over is in a position of trust with a child under 18, it is 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

Confidentiality

Members of staff or volunteers may have access to confidential information about pupils in order to undertake their every day responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a pupil 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.

Confidential information about a child or young person should never be used casually in conversation or shared with any person other than on a need to know basis. In circumstances where the child's identity does not need to be disclosed the information should be used anonymously.

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

If a member of staff is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff. Any media or legal enquiries should be passed to senior management.

The storing and processing of personal information about pupils is governed by the Data Protection Act 1998. Employers should provide clear advice to staff about their responsibilities under this legislation.

Propriety and Behaviour

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, pupils 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.

Part Two of the Teaching Standards explicitly sets out the Personal and Professional Conduct expected from all teachers. Section A states: *"Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school."*

Dress and Appearance

This means that staff:

- *are expected to treat information they receive about children and young people in a discreet and confidential manner.*
- *in any doubt about sharing information they hold or which has been requested of them should seek advice from a senior member of staff*
- *need to be cautious when passing information to others about a child/young person.*

This means that adults should not:

- *behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model.*
- *make sexual remarks to a pupil (including email, text messages, phone or letter)*
- *discuss their own sexual relationships with, or in the presence of, pupils*
- *discuss a pupil's sexual relationships in inappropriate settings or contexts*
- *make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such.*

This means that adults should wear clothing which:

A person's dress and appearance are matters of personal choice and self-expression. However staff should consider the manner of dress and appearance appropriate to their professional role which may be different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegation.

Social Contact

Staff should not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response and be aware that such social contact could be misconstrued.

Staff should not give their personal details such as home/mobile phone number; home or e-mail address to pupils unless the need to do so is agreed with senior management.

Internal e-mail systems should only be used in accordance with school policy.

Physical Contact

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 and may in some circumstances be inappropriate. When physical contact is made with pupils 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. Appropriate physical contact in schools may occur most often with younger pupils.

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.

Further guidance on the use of physical restraint to prevent a pupil from:

- committing a criminal offence (or what would be a criminal offence if they were old enough);
- injuring themselves or others;
- damaging property;
- acting in a way that is counter to maintaining good order and discipline at the school;

can be found in the school **Behaviour Policy** (Section 7: Physical Restraint)

Physical contact should never be secretive, 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 should be recorded as soon as possible in the school's incident book and, if appropriate, a copy placed on the child's file.

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory.*

This means that adults should:

- *always approve any planned social contact with senior colleagues, for example when it is part of a reward scheme or pastoral care programme*
- *advise senior management of any regular social contact they have with a pupil which may give rise to concern*
- *report and record any situation, which they feel, might compromise the school or their own professional standing.*

This means that adults 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*
- *never touch a child in a way which may be considered indecent*
- *always be prepared to explain actions and accept that all physical contact be open to scrutiny*
- *never indulge in horseplay, tickling or fun fights.*

This means that schools should:

- *ensure they have a system in place for recording serious incidents and the means by which information about incidents and outcomes can be easily accessed by senior management.*
- *Provide staff, on a "need to know" basis, with relevant information about vulnerable pupils in their care*
- *Make staff aware of the DfE guidance in respect of physical contact with pupils and meeting medical needs of children and young people in school.*

Physical contact, which occurs regularly with an individual child or young person, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. 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.

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to staff being vulnerable to allegations of abuse. It is recognised that many such children are extremely needy and seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively by helping them to understand the importance of personal boundaries.

The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each child. Children with special needs may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

Physical Education and other activities which require physical contact.

Some staff, for example, those who teach PE and games, or who offer music tuition will on occasions have to initiate physical contact with pupils in order to support a child 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 pupil'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 child.

Pupils in Distress

There may be occasions when a distressed pupil 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.

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.

Behaviour Management

All pupils have a right to be treated with respect and dignity. Corporal punishment is unlawful in all schools. Equally, staff should not use any form of degrading treatment to punish a pupil. The use of humour can help to defuse a situation. The use of sarcasm, demeaning or insensitive comments towards pupils is not acceptable in any situation.

Care, Control and Physical Intervention

This means that adults should:

- *consider alternatives, where it is anticipated that a pupil might misinterpret any such contact, perhaps involving another member of staff, or a less vulnerable pupil in the demonstration.*
- *be familiar with and follow recommended DfE guidance*
- *always explain to a pupil the reason why contact is necessary and what form that contact will take.*

This means that adults should:

- *consider the way in which they offer comfort to a distressed pupil*
- *always tell a colleague when and how they offered comfort to a distressed child*
- *record situations which may give rise to concern.*

This means that adults should:

- *not use force as a form of punishment*
- *try to defuse situations before they escalate*
- *keep parents informed of any sanctions*
- *adhere to the school's **Good Behaviour and Discipline Policy***

The circumstances in which staff can intervene with a pupil are covered by the 1996 Education Act. Staff may legitimately intervene to prevent a pupil 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. (See **Behaviour Policy**, Section 7: Physical restraint)

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.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

Sexual Contact with Young People

Any sexual behaviour by a member of staff with or towards a child or young person is both inappropriate and 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 the child or young person consents or not. This includes the prohibition on adults in a position of trust (see Section 5).

The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. '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".

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, and manipulate that relationship so sexual abuse can take place. Staff should be aware that conferring special attention and favour upon a child might be construed as being part of a 'grooming' process, which is an offence.

One to One Situations

Staff working in one to one situations with children and young people may be more vulnerable to allegations. Teachers and others should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure the safety and security needs of both staff and pupils are met.

This means that schools should:

- *regularly acquaint staff with relevant school policy and DfE Guidance*
- *ensure that staff are provided with appropriate training where needed.*

This means that staff should:

- *adhere to the school's physical restraint guidance*
- *always seek to defuse situations*
- *always use minimum force for the shortest period necessary.*

This means that adults should:

- *not pursue sexual relationships with children and young people either in or out of school*
- *avoid any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative ie verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact.*

This means that adults should:

- *avoid meetings with pupils in remote, secluded areas of school*
- *ensure there is visual access and/or an open door in one to one situations*
- *inform other staff of the meeting beforehand, assessing the need to have them present or close by*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a child becomes distressed or angry to a senior colleague*

Transporting Children

In certain situations eg out of school activities, staff or volunteers may agree to transport children. These arrangements will be agreed in advance.

Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting as an escort.

Staff should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They should ensure that the vehicle is roadworthy and appropriately insured and that the maximum capacity is not exceeded.

Correct child restraint must be used. If the child is below 135cm a booster seat must be used, except for a short distance in an unexpected necessity.

Educational Visits and After School Clubs etc.

Staff should take particular care when supervising pupils in the less formal atmosphere of a residential setting or after-school activity.

During school activities that take place off the school site or out of school hours, a more relaxed discipline or informal dress and language code may be acceptable. However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, staff and parents should be informed of these prior to the start of the trip.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in an out of school activity. Staff must be aware of and follow guidance.

First Aid and Administration of Medication

All schools must have trained first aiders/appointed persons. Teachers may volunteer to undertake this task but it is not a contractual requirement. Staff should receive appropriate training before administering first aid or medication.

Pupils may need medication during school hours. In circumstances where children need medication regularly a health care plan should be drawn up to ensure the safety and protection of pupils and staff. With the permission of parents, the children should be encouraged to administer the medication themselves.

If a member of staff is concerned or uncertain about the amount or type of medication being given to a pupil, this should be discussed with the appropriate senior colleague at the earliest opportunity. When

- *consider the needs and circumstances of the child/children involved.*

This means that adults should:

- *plan and agree arrangements with all parties in advance, responding sensitively and flexibly to disagreements*
- *ensure that they are alone with a child for the minimum time possible*
- *be aware that the safety and welfare of the child is their responsibility until this is safely passed over to a parent/carer*
- *report the nature of the journey, the route and expected time of arrival in accordance with agreed procedures*
- *ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety*
- *take into account any specific needs that the child may have.*

This means that adults should:

- *always have another adult present in out of school activities, unless otherwise agreed with senior staff in school*
- *undertake risk assessments*
- *have parental consent to the activity*
- *ensure that their behaviour remains professional at all times.*

This means that adults should:

- *adhere to the school's **Health and Safety Policy***
- *make other staff aware of the task being undertaken*
- *explain to the child what is happening.*

administering first aid, wherever possible, staff should ensure that another adult is present, or aware of the action being taken. Parents should always be informed when first aid has been administered.

Photography, Videos and other Creative Arts

Many school activities involve recording images. These may be undertaken as part of the curriculum, extra school activities, for publicity, or to celebrate achievement.

Staff need to be aware of the potential for these aspects of teaching to be misused for pornographic or 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken. Particular regard needs to be given when they involve young or vulnerable pupils who may be unable to question why or how the activities are taking place.

Children who have been previously abused in this way may feel threatened by the use of photography, filming etc in the teaching environment.

Staff should remain sensitive to any children who appear uncomfortable and should recognise the potential for misinterpretation.

Using images of children for publicity purposes will require the age - appropriate consent of the individual concerned and their legal guardians. Images should not be displayed on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.

It is recommended that when using a photograph the following guidance should be followed:

- if the photograph is used, avoid naming the pupil
- if the pupil is named, avoid using their photograph
- schools should establish whether the image will be retained for further use
- images should be securely stored and used only by those authorised to do so.

Full guidance on Photography and Children can be found in the school **Use of Children's Photographs Policy**.

Internet Use

Further guidance can be found in the school **ICT Acceptable Use Policy**, which has details about the use of the Internet and has regard to DfES guidance.

Under no circumstances should adults in school access inappropriate images. Accessing child abuse or indecent images of children on the internet, and making, storing or disseminating such material, is illegal and, if proven, will invariably lead to the individual being barred from work with children and young people.

Using school or college equipment to access inappropriate or indecent material, including adult pornography, is likely to give cause for concern particularly if as a result pupils might be exposed to inappropriate or indecent material.

This means that adults should:

- *be clear about the purpose of the activity and about what will happen to the photographs when the lesson/activity is concluded*
- *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*
- *be able to justify images of children in their possession*
- *avoid making images in one to one situations.*

This means that adults should not:

- *take, display or distribute images of children unless they have consent to do so.*

This means that adults should:

- *follow the school policy on the use of IT equipment.*

Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. For further guidance see the **school Confidential Reporting Policy**.

Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

Sharing Concerns and Recording Incidents

All staff should be aware of the school's child protection procedures, including procedures for dealing with allegations against staff, which are informed by the NEOST/Joint Union Guidance. Staff who are the subject of allegations are advised to contact their professional association. Detailed guidance on all aspects of child protection can be found in the school **Child Protection Policy**.

In the event of an incident occurring, which may result in an action being misinterpreted and/or an allegation being made against a member of staff, the relevant information should be clearly and promptly recorded and reported to senior staff. Early discussion with a parent or carer could avoid any misunderstanding.

Members of staff should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with pupils so that appropriate support can be provided or action can be taken.

Adopted by Governing Body:

This means that adults should:

- *report any behaviour by colleagues that raises concern.*

This means that adults:

- *should be familiar with their school/service system for recording concerns*
- *should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the school or workplace.*

This means that schools/services:

- *should have an effective, transparent and accessible system for recording and managing concerns raised by any individual in school or the workplace.*