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Staff Code of Conduct

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1. Introduction

1.1. The Code of Conduct sets out the professional standards expected and the duty upon adults to abide by it. All adults have a duty to:

- keep pupils safe
- promote their welfare
- to protect them from radicalisation (the Prevent Duty), abuse (sexual, physical and emotional), neglect and safeguarding concerns.

This duty is, in part, exercised through the development of respectful, caring and professional relationships between adults and pupils and behaviour by adults that demonstrates integrity, maturity and good judgement. Following this Code will help to safeguard adults from being maliciously, falsely or mistakenly suspected or accused of misconduct in relation to pupils.

1.2. For the purposes of this Code the term and references to 'adult' means the following: governing body and trust members and directors, all teaching and other staff (whether or not paid or unpaid, employed or self-employed and whether or not employed directly by the trust); external contractors providing services to pupils on behalf of Academy or Trust, teacher trainees and other trainees/apprentices, volunteers and any other individuals who work for or provide services on behalf of or for the Academy or Trust to include but not limited to all those detailed in the single central record. For the purposes of this Code 'young person/people', 'pupils' and 'child/ren'

includes all those for whom the Trust provides education or other services.

1.3. This Code takes account of the most recent versions of the following guidance (statutory and non-statutory); 'Keeping Children Safe in Education' Department of Education ('DfE') (statutory), 'Working together to safeguard children' HM Government (statutory) and 'Guidance for safer working practice for those working with children and young people in education settings' (non-statutory). Copies of these documents are available from the school office or are readily available online.

1.4. This Code cannot provide an exhaustive list of what is, or is not, appropriate behaviour for adults. However, it does highlight behaviour that is illegal, inappropriate or inadvisable in relation to the required professional standards. There will be occasions and circumstances in which adults have to make decisions or take action in the best interests of the pupil 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 pupils.

1.5. Any behaviour in breach of this Code by employees may result in action under the Pathfinder Schools Disciplinary Policy. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. Pathfinder Schools shall take a consistently strict approach to serious

breaches of this Code.

- 1.6. Staff should be aware that in addition to disciplinary action, any breach of the Code may result in criminal action and/or other proceedings including barring by the Disclosure and Barring Service (DBS), prohibition from teaching by the Teacher Regulation Agency (TRA).
- 1.7. Pathfinder Schools and their school leaders take steps to ensure that a culture is created where adults understand the expectations of them and feel able to raise any concerns with the right people at the right time.
- 1.8. All policies and guidance referred to in Pathfinder Schools policies are available upon request from the School/Academy HR Representative.

1.9. Safeguarding and Child Protection

Adults should be aware and understand the Safeguarding and Child Protection Policy, arrangements for managing allegations against staff, Whistleblowing and their Local Safeguarding Children Boards LSCB procedures.

Adults have a duty to act in accordance with the Safeguarding and Child Protection policy and report any safeguarding, child protection, welfare or radicalisation concerns about a pupil to the Designated Safeguarding Lead.

1.10. Whistleblowing

Adults must raise concerns they have about the safeguarding or child protection practices by following the Whistleblowing Policy and procedure. An adult who “whistle blows” or makes a public interest disclosure shall have the protection of the relevant legislation.

1.11. Allegations of Abuse Against Teachers and Other Staff and Volunteers

Where it is alleged that an Adult 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 they would pose a risk of harm to children.

The Pathfinder Schools' Procedure for Dealing with Allegations of Abuse Against Teachers and other Staff and Volunteers will be used alongside the guidance set out in Part Four of Keeping Children Safe in Education.

Expected Professional Standards

- 1.12. All adults as appropriate to the role and/or job description of the individual, must:
 - place the well-being and learning of pupils at the centre of their professional practice.
 - have high expectations for all pupils, be committed to addressing underachievement, and work to help pupils progress regardless of their

background and personal circumstances.

- treat pupils 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 pupils, 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 pupils, recognising the key role that parents and carers play in pupils' 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 school.
- reflect on their own practice, develop their skills, knowledge and expertise, and adapt appropriately to learn with and from colleagues.
- ensure that the same professional standards are always applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.

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

1.14. All adults must be familiar with and act in accordance with the most recent versions of the following documents:

- Part 1 of Keeping Children Safe in Education DfE (statutory)
- Working Together to Safeguard Children HM Government (statutory)
- Prevent Duty Guidance HM Government (statutory)
- 'The Prevent duty departmental advice for schools and childcare providers' DfE (non- statutory)
- 'Guidance for safer working practice for those working with children and young people in education settings' (non-statutory).

1.15. An employee who fails to bring a matter of concern to the attention of senior management and/or the relevant agencies is likely to be subject to disciplinary action.

1.16. Health and Safety

Employers have duties towards their employees and others under Health and Safety legislation which requires them to take steps to provide a safe working environment for staff.

Legislation also imposes a duty on employees to take care of themselves and others who may be affected by their own actions or negligence.

An employer's Health and Safety duties and an adult's responsibilities towards children should not conflict. Safe practice can be adopted and demonstrated through the use of this Code.

2. Confidentiality

- 2.1. As data controllers, all schools/academies and the Trust are subject to the General Data Protection Regulation (GDPR) and Data Protection Act 2018 ("Data Protection Legislation"). In addition, teachers owe a common law duty of care to safeguard the welfare of their pupils. This duty is acknowledged in the provisions governing disclosure of information about pupils.
- 2.2. Adults may have access to confidential information about pupils in order to undertake their responsibilities. In some circumstances the information may be sensitive data and/or confidential. Confidential or personal information about a pupil or their family must never be disclosed to anyone other than on a need to know basis and advice should be sought prior to disclosure to ensure such disclosure is in accordance with the Data Protection Legislation, and the academy's Privacy Notices. In circumstances where the pupil'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 pupil. Information must never be used by anyone for their own or others' advantage (including that of partners, friend's relatives or other organisations).
- 2.3. There are some circumstances in which an adult may be expected to share information about a pupil, for example when abuse is alleged or suspected. In such cases, adults have a duty to pass information on without delay to those with designated safeguarding responsibilities.
- 2.4. Confidential information about pupils must be held securely. Confidential information about pupils 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.
- 2.5. If a pupil or parent/carer makes a disclosure regarding abuse or neglect, the adult must follow the trust's procedures and the guidance as set out in Keeping Children Safe in Education. Confidentiality must not be promised to the pupil or parent/carer however reassurance should be given that the information will be treated sensitively.
- 2.6. If an adult is in any doubt about the storage or sharing of information they must seek guidance from the Designated Safeguarding Lead. Any media or legal enquiries must be passed to senior management.

3. Propriety, Behaviour and Appearance

- 3.1. All adults working with children have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of pupils. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, pupils and the public in general. An adult's behaviour or actions, either in or out of the workplace, must not compromise their position within the work setting, or bring the Academy or Trust into disrepute. Non-exhaustive examples of unacceptable behaviour are contained in our disciplinary procedure/rules.

- 3.2. Adults are required to notify the Academy or Trust immediately of any allegation/s of misconduct that are of a safeguarding nature made against them (or implicating them), by a child or adult in relation to any outside work or interest (whether paid or unpaid) and, of any arrest or criminal charge whether child related or not. Where employees fail to do so, this will be treated as a serious breach of this Code and dealt with under our disciplinary procedure.
- 3.3. Individuals should not behave in a manner which would lead any reasonable person to question their suitability to work with children or to act as an appropriate role model; make, or encourage others to make sexual remarks to, or about, a pupil; use inappropriate language to or in the presence of pupils; discuss their personal or sexual relationships with or in the presence of pupils; make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such. Behaving in an unsuitable way towards children may result in disqualification from childcare under the Childcare Act 2006, prohibition from teaching by the Teaching Regulation Agency, a bar from engaging in regulated activity, or action by another relevant regulatory body.
- 3.4. Staff are individually responsible for their general presentation, appearance and personal hygiene and they should consider how their appearance may be perceived by others. This guidance is written within the context of an educational environment and staff are advised to wear clothing, which is appropriate to their role, and the school setting, which is not likely to be viewed as offensive or revealing and portrays a professional image.
- 3.5. Adults who dress or appear in a manner which may be considered as inappropriate could render themselves vulnerable to criticism or, where the adult is an employee, allegations of misconduct that may lead to action under our disciplinary procedure.
- 3.6. Personal property of a sexually explicit nature or property which might be regarded as promoting radicalisation or otherwise inappropriate such as books, magazines, CDs, DVDs or such material on any electronic media including links to such material must not be brought onto or stored on Academy or Trust premises or on any Academy or Trust equipment.

4. Sexual Contact with Children and Young People and Abuse of Trust

- 4.1. A relationship between an adult and a child or young person is not a relationship between equals; the adult has a position of power or influence. There is potential for exploitation and harm of children or vulnerable young people and all adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Adults must not use their status or position to form or promote relationships with children (whether current pupils or not), that are of a sexual nature, or which may become so. Adults should maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should

report any incident with this potential.

- 4.2. Any sexual behaviour or activity, by an adult with or towards a child/pupil 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.
- 4.3. 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.
- 4.4. Adults must not have sexual relationships with pupils or have any form of communication with a child, 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 discuss their own sexual relationships with or in the presence of pupils. Adults 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.
- 4.5. 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. Adults should be aware that conferring special attention without good reason or favouring a pupil has the potential to be construed as being part of a 'grooming' process, which is a criminal offence.
- 4.6. 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. Adults should be aware that conferring special attention without good reason or favouring a pupil has the potential to be construed as being part of a 'grooming' process, which is a criminal offence.

5. Infatuations and Crushes

- 5.1. A child or young person may develop an infatuation with an adult who works with them. An adult, who becomes aware (may receive a report, overhear something, or otherwise notice any sign no matter how small or seemingly insignificant) that a pupil has become or may be becoming infatuated with them or a colleague, must report this without delay to the Headteacher or the most senior manager so that appropriate action can be taken to avoid any hurt, distress or embarrassment. The situation will be taken seriously and the adult should be careful to ensure that no encouragement of any kind is given to the pupil. It should also be recognised that careless and insensitive reactions may provoke false accusations.
- 5.2. Examples of situations which must be reported are given below:
- Where an adult is concerned that they might be developing a relationship with a pupil which could have the potential to represent an abuse of trust.
 - Where an adult is concerned that a pupil is becoming attracted to them or that there is a developing attachment or dependency.
 - Where an adult is concerned that actions or words have been misunderstood or misconstrued by a pupil such that an abuse of trust might be wrongly suspected by others.
 - Where an adult is concerned about the apparent development of a relationship by another adult, or receives information about such a relationship.

6. Gifts, Rewards, Favouritism and Exclusion

- 6.1. It is against the law for public servants to take bribes. Adults 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 pupils or parents/carers wish to pass small tokens of appreciation to adults 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. For the purpose of this policy, a significant value is considered to be £25 or more. Adults should ensure that gifts received or given in situations which may be misconstrued are declared.

- 6.2. Personal gifts must not be given to pupils or their families/carers. This could be misinterpreted as a gesture either to bribe or groom. It might be perceived that a 'favour' of some kind is expected in return. Any reward given to a pupil should be consistent with an agreed reward system, should be recorded, and not based on favouritism.
- 6.3. Care should be taken when selecting children for specific activities, jobs, privileges and when pupils are excluded from an activity in order to avoid perceptions of favouritism or injustice. Methods of selection and exclusion should be subject to clear, fair and agreed criteria.

7. Social Contact and Social Networking

- 7.1. Communication between pupils 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, tablets, text messages, emails, instant messages, websites, social media such as Facebook, Twitter, Instagram, chat-rooms, forums, blogs, apps such as WhatsApp, gaming sites, digital cameras, videos, web-cams and other hand held devices. Adults should not share any personal information with pupils and they should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. They should ensure that all communications are transparent and avoid any communication that could be interpreted as 'grooming behaviour'.
- 7.2. Adults must not give their personal contact details such as home/mobile phone number; home or personal e-mail address or social networking details to pupils. If, for example, a pupil attempts to locate an adult's personal contact details and attempts to contact or correspond with them, the adult should not respond and must report the matter to their manager.
- 7.3. It is recommended that adults ensure that all possible privacy settings are activated to prevent pupils from making contact on personal profiles and to prevent pupils from accessing photo albums or other personal information which may appear on social networking sites.
- 7.4. Adults are personally responsible for what they communicate in social media and must bear in mind that what is published might be read by the employer, pupils, parents and carers, the general public, future employers and friends and family. Adults must ensure that their on-line profiles are consistent with the professional image expected by us and must not post material which damages the reputation of the Academy or Trust or which causes concern about their suitability to work with children and young people. Those who post material which may be considered as inappropriate could render themselves vulnerable to criticism or, in the case of an employee, allegations of misconduct which may be dealt with under the disciplinary procedure. Even where it is made clear that the

writer's views on such topics do not represent those of Pathfinder Schools, such comments are inappropriate.

- 7.5. Adults are advised not to have any online friendships with any young people under the age of 18 and/or in formal education. Adults are advised not to have online friendships with parents or carers of pupils, or members of the governing body/trustees. Where such online friendships exist, adults must ensure that appropriate professional boundaries are maintained.
- 7.6. It is acknowledged that adults may have genuine friendships and social contact with parents or carers of pupils, independent of the professional relationship. Adults should, however, inform senior management of any relationship with a parent/carer where this extends beyond the usual parent/carer/professional relationship; advise senior management of any regular social contact they have with a pupil or parent/carer, which could give rise to concern; inform senior management of any requests or arrangements where parents/carers wish to use their services outside of the workplace e.g. babysitting, tutoring; and adults should always approve any planned social contact with pupils or parents/carers with senior colleagues, for example when it is part of a reward scheme. If a parent/carer seeks to establish social contact, or if this occurs coincidentally, the adult should exercise their professional judgment and should ensure that all communications are transparent and open to scrutiny.
- 7.7. Some employees may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the employee or seeks support outside of their professional role this should be discussed with senior management and where necessary referrals made to the appropriate support agency.

8. Physical Contact, Personal Privacy and Intimate Care

- 8.1. There are occasions when it is entirely appropriate and proper for employees to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil's individual needs and any agreed care plan. 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, culture and background. Employees must use their professional judgement at all times. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one pupil in one set of circumstances may be inappropriate in another, or with a different pupil.
- 8.2. Physical contact should never be secretive or casual, or for the gratification of the adult, or represent a misuse of authority. Adults should never touch a pupil in a way which may be considered indecent. If an adult believes that an action could be misinterpreted, the incident and circumstances should be reported as soon as possible.

- 8.3. Physical contact, which occurs regularly with a pupil or pupils, 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 a child is unable to provide consent e.g. because of a disability parental consent should be sought.
- 8.4. Where feasible, staff should seek the pupil's permission before initiating contact. Adults should listen, observe and take note of the pupil's reaction or feelings and – so far as is possible - use a level of contact which is acceptable to the pupil for the minimum time necessary.
- 8.5. There may be occasions when a distressed pupil needs comfort and reassurance. This may include age-appropriate physical contact. Adults should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation. Adults should always tell a colleague when and how they offered comfort to a distressed pupil and record situations which may give rise to concern.
- 8.6. Where an adult has a particular concern about the need to provide this type of care and reassurance they should seek further advice from a senior manager.
- 8.7. Some employees, for example, those who teach PE and games, or who provide music tuition will on occasions have to initiate physical contact with pupils in order to support a pupil 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 a safe and open environment. Adults should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil. Consideration should be given to alternatives, where it is anticipated that a pupil might misinterpret any such activity, such as involving another member of staff.
- 8.8. All parties should clearly understand from the outset what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers informed of the extent and nature of any physical contact may also prevent allegations of misconduct arising. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent/carer.
- 8.9. Pupils 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 pupils, 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 pupils concerned and sensitive to the potential for embarrassment. Adults who are required as part of their role to attend changing rooms should announce their intention of entering any pupil changing rooms and only remain in the room where the pupil/s

needs require this. Adults should not change in the same location as children or shower with or in the presence of children.

- 8.10. Employees with a job description which includes intimate care duties will have appropriate training and written guidance including a written care plan for any pupil who could be expected to require intimate care. Staff should adhere to the academies intimate and personal care policies. No other adult should be involved in intimate care duties except in an emergency. A signed record should be kept of all intimate and personal care tasks undertaken and, where these have been carried out, and should include times left and returned. Employees should not assist with personal or intimate care tasks which the pupil is able to undertake independently, children should understand why they are being supported with intimate care. Where any variation to the agreed procedure/care plan is necessary this should be recorded, discussed with the appropriate senior colleague and disclosed to the child's parents.

9. Behaviour Management and Physical Intervention

- 9.1. All pupils have a right to be treated with respect and dignity. Adults must not use any form of degrading treatment to punish a pupil. The use of sarcasm, demeaning or insensitive comments towards pupils is not acceptable in any situation. Deliberately intimidating pupils by shouting aggressively, hectoring or overbearing physical presence is not acceptable in any situation. Any sanctions or rewards used should be inline with the Behaviour Management Policy.
- 9.2. Physical intervention can only be justified in exceptional circumstances. Non-statutory guidance is available from the Department of Education website. See 'Use of reasonable force - advice for Head Teachers, Staff and Governing Bodies'. Adults 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. Adults should have regard to the health and safety of themselves and others. It is always unlawful to use force as a punishment. The use of unwarranted physical force is likely to constitute a criminal offence.
- 9.3. Where a pupil has specific needs in respect of particularly challenging behaviour, a positive handling plan, including a risk assessment, should be put in place and agreed by all parties. Where it is judged that a pupil's behaviour presents a serious risk to themselves or others, a robust risk assessment that is regularly reviewed and a physical intervention plan, where relevant, must be put in place. All incidents and subsequent actions should be recorded and reported to a manager and the pupil's parents/carers. Where it can be anticipated that physical intervention is likely to be required, a plan should be put in place that the pupil and parents/carers are aware of and have agreed to. Parental consent does not permit the use of unlawful physical intervention or deprive a pupil of their liberty.

10. First Aid and Medication

- 10.1. The academy has a separate policy on supporting pupils with a medical condition. Employees should have regard to the statutory guidance 'Supporting pupils at school with medical conditions' DfE December 2015, which includes advice on managing medicines. All settings must have an adequate number of qualified first aiders/appointed persons. Employees must have had the appropriate training and achieved the necessary level of competency before administering first aid or medication, or taking on responsibility to support pupils with medical conditions. If an adult is concerned or uncertain about the amount or type of medication being given to a pupil this should be discussed with the Designated Safeguarding Lead.
- 10.2. Adults taking medication that may affect their ability to care for children should seek medical advice regarding their suitability to do so and should not work with pupils whilst taking medication unless medical advice confirms that they are able to do so. Adult medication on the premises must be securely stored out of the reach of children.

11. One to One Situations and Meetings with Pupils

- 11.1. One to one situations have the potential to make children/young person's more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with pupils may also be more vulnerable to unjust or unfounded allegations being made against them. Adults 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 adults and pupils are met. Managers should undertake a risk assessment in relation to the specific nature and implications of one to one work for each adult and pupil, which should be reviewed regularly. Where such a meeting is demonstrably unavoidable it is advisable to avoid remote or secluded areas 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 pupils away from the premises or on alternate Trust premises or on the academy site when the academy is not in session are not permitted unless written approval is obtained from their parent/carer and the Headteacher or other senior colleague with delegated authority.
- 11.3. No pupil should be in or invited into, the home of an adult who works with them, unless they are family members or close family friends, in which case adults are advised to notify their line manager. Pupils must not be asked to assist adults with jobs or tasks at or in their private accommodation or for their personal benefit.
- 11.4. There may be occasions during exam periods where arrangements need to be made to preserve the integrity of the of the examination process. In these circumstances' exam boards may allow candidates to take an exam

the following morning, including Saturdays. The examination board requires the centre to determine a method of supervision on journeys to and from the centre and overnight, which ensures the candidate's wellbeing. This supervision may be undertaken by a parent/carer or, in exceptional cases employees may be asked to volunteer to supervise pupils, which may with prior approval be in their own home. Where this is the case they will be accompanied by an appropriate colleague.

- 11.5. Where a home visit has been deemed necessary adults must agree the purpose of their visit with their manager and the home visits and lone working policies should be followed at all times. Adults must always make detailed records including times of arrival and departure and ensure any behaviour or situation that gives rise to concern is discussed with a senior manager/Headteacher. A risk assessment should be undertaken and appropriate risk management measures put in place prior to any planned home visit taking place. In the unlikely event that little or no information is available, home visits must not be made alone. Other than in an absolute emergency, an adult must not enter a pupil's home if the parent/carer is absent.

12. Transporting Pupils

- 12.1. In certain situations, e.g. out of school activities, adults may agree to transport pupils. Transport arrangements should be made in advance by a designated employee who will be responsible for planning and overseeing all transport arrangements and respond to any concerns that may arise. 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. It is a legal requirement that all passengers wear seatbelts and the driver should ensure that they do so. The driver should be aware of the current legislation concerning the use of car seats for younger children where applicable. It is illegal to drive using hand-held phones or similar devices and the driver must ensure that they adhere to all driving regulations.
- 12.3. It is inappropriate for adults to offer lifts to a pupil, unless the need has been agreed with a manager and, if this falls outside their normal working duties, has been agreed with parents/carers. Unless in exceptional circumstances adults should be accompanied by another school employee.
- 12.4. There may be occasions where a pupil requires transport in an emergency situation or where not to give a lift may place a pupil at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

13. Educational Visits and School Clubs

- 13.1. Adults should take particular care when supervising pupils in the less formal atmosphere of an educational visit, particularly in a residential setting, or after-school activity. Adults remain in a position of trust and the same standards of conduct apply.
- 13.2. Adults should be familiar with and follow their organisations educational visits guidance in its entirety.
- 13.3. Staff responsible for organising educational visits should be familiar with the Department for Education's advice on Health and Safety (updated November 2018) available at <https://www.gov.uk/government/publications/health-and-safety-advice-for-schools/responsibilities-and-duties-for-schools>
- 13.4. School trips and outdoor learning activities (HSE) <http://www.hse.gov.uk/services/education/school-trips.pdf>

14. Curriculum

- 14.1. Some areas of the curriculum can include or raise subject matter which is sexually explicit, of a political, cultural, religious or 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, political, cultural, religious or otherwise sensitive nature. Responding to pupils' questions can require careful judgement and adults must take guidance in these circumstances from the Designated Safeguarding Lead. Adults must not enter into or encourage inappropriate discussion about sexual, political or religious activity or behaviour or, discussions which may offend or harm others. Adults should take care to protect children from the risk of radicalisation and should act in accordance with advice given under Part 1 of Keeping Children Safe in Education and accordingly must not express any prejudicial views or, attempt to influence or impose their personal values, attitudes or beliefs on pupils.

15. Photography, Videos and other Creative Arts

- 15.1. Adults should have regard to the ICO CCTV code of practice and the guidance 'Taking Photographs in Schools'.
- 15.2. Many educational activities involve the taking or recording of images. This may be undertaken as part of the curriculum, extra school activities, for displays, publicity, to celebrate achievement or, to provide evidence of the activity. An image of a child is personal data and it is, therefore, a requirement under Data Protection Legislation that explicit consent is obtained from the parent/carer of a child before any images are made

such as those used for school web sites, notice boards, productions or other purposes, unless an alternative legal justification for processing this data is applicable.

- 15.3. Adults need to be aware of the potential for such images to be taken and/or misused to create indecent images of children and/or for 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken. There should be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.
- 15.4. Adults should remain sensitive to any pupil who appears uncomfortable and should recognise the potential for misinterpretation. It is also important to take into account the wishes of the child, remembering that some children do not wish to have their photograph taken.
- 15.5. Adults should only use equipment provided or authorised by the academy or Trust to make/take images and should not use personal equipment, mobile telephones or any other similar devices to make/take images or videos.
- 15.6. The following guidance should be followed:
 - if a photograph is used, avoid naming the pupil
 - if the pupil is named, avoid using the photograph
 - photographs/images/video must be securely stored and used only by those authorised to do so
 - be clear about the purpose of the activity and about what will happen to the photographs/images/video when the lesson/activity is concluded
 - only retain images/video when there is a clear and agreed purpose for doing so
 - ensure that a senior member of staff is aware that the photography/image/video equipment is being used and for what purpose
 - ensure that all photographs/images/video are available for scrutiny in order to screen for acceptability
 - be able to justify the photographs/images/video made
 - do not take images/videos of pupils for personal use
 - only take images/videos where the pupil consents to this
 - do not take photographs/videos in one to one situations
 - do not display or distribute photographs/images/videos of pupils unless there is consent to do so from the parent/carer
 - only publish images/videos of pupils where they and their parent/carer have given explicit written consent to do so

- do not take images/videos of pupils in a state of undress or semi-undress
- do not take images/videos of pupils which could be considered as indecent or sexual.
- Adults should not take images of a child's injury, bruising or similar (e.g. following a disclosure of abuse) even if requested by children's social care; or make audio recordings of a child's disclosure

16. Unacceptable Use of ICT Facilities and Monitoring

- 16.1. This section should be read in conjunction with the Pathfinder Schools Acceptable use/social media policy. 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 (where the adult is employed) in summary dismissal (this list is not exhaustive):
- a) pseudo-images of children (child abuse images), 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, criminal material or material which is liable to cause distress or embarrassment to the Trust or others.
- 16.2. If indecent images of children are discovered at the premises or on the Trust's equipment/devices, an immediate referral should be made to the Designated Safeguarding Lead and Head Teacher (unless they are implicated) and the external Designated Officer (DO) and, if relevant, the police contacted. The images/equipment should be secured, should not be used by others and should be isolated from the network. There should be no attempt to view, tamper with or delete the images as this could jeopardise any necessary criminal investigation. If the images are of children known to the academy, a referral should also be made to children's social care in accordance with local arrangements.
- 16.3. The contents of Pathfinder Schools ICT resources and communications systems are our property. Therefore, adults 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. All data collected as part of such an exercise would still be applicable to the provisions of the DPA.
- 16.4. We reserve the right to monitor, intercept and review, without prior notification or authorisation from adults. Usage of our IT resources and communications systems, including but not limited to telephone, e-mail, messaging, voicemail, CCTV, internet and social media postings and

activities is monitored to ensure that our rules are being complied with and for the following purposes:

- a) to monitor whether the use of the e-mail 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.

We are committed to an employee's right to privacy but this must be balanced against safeguarding the trust, its academies, pupils and staff.

- 16.5. Personal data will be stored in accordance with the Trust's Privacy Notices. 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.
- 16.6. Where the academy has A CCTV system, this data is recorded and may be used as evidence of any alleged wrong doing.
- 16.7. Cyber-bullying can be experienced by adults as well as pupils. Adults should notify their line manager if they are subject to cyber-bullying. The Trust will endeavour to protect adults and stop any inappropriate conduct.

17. Reporting Concerns and Recording Incidents

- 17.1. All adults must report concerns and incidents in accordance with the guidance set out in Keeping Children Safe in Education DfE and the Managing Allegations of Abuse Policy. This applies to all adults, including volunteers and supply/agency staff.
- 17.2. In the event of an allegation being made, or incident being witnessed, the relevant information should be immediately recorded and reported to the Headteacher, Senior Manager or Designated Safeguarding Lead as appropriate. An adult who fails to bring a matter of concern to the attention of senior management and/or the relevant agencies shall be subject to disciplinary action.
- 17.3. Where an allegation is made against a supply teacher, the Headteacher or appropriate designate will immediately contact both the supply agency concerned and the Designated Officer (formerly LADO). The school/trust will continue to support any investigation that is required. As outlined in KCSIE the school may play a key role in any investigation because supply agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.
- 17.4. In addition to behaviours outlined elsewhere in this Code and, the types of abuse and neglect set out in Keeping Children Safe in Education, the following is a non-exhaustive list of some further behaviours which would be a cause for concern:

An adult who:

- Allows a pupil/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 pupils fairly - demonstrates favouritism
- Demonstrates a lack of understanding about personal and professional boundaries
- Uses their position of trust to intimidate, threaten, coerce or undermine
- Appears to have an inappropriate social relationship with a pupil or pupils
- Appears to have special or different relationships with a pupil or pupils
- Seems to seek out unnecessary opportunities to be alone with a pupil

18. Allegations that may meet the harms threshold

18.1 This section is based on 'Section 1: Allegations that may meet the harms threshold in Keeping Children Safe in Education.

18.2 This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, has:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school

18.3 If we're in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).

18.4 We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

18.5 A 'case manager' will lead any investigation. This will be the headteacher, or an appropriate designate.

18.6 Our procedures for dealing with allegations will be applied with common sense and judgement.

18.7 If we receive an allegation of an incident happening while an individual or organisation was using the school premises to run activities for children, we will follow our safeguarding policies and procedures and inform our LADO.

18.8 Suspension of the accused until the case is resolved

18.8.1 Suspension of the accused will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

18.8.2 Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the academy trust.

18.8.3 If in doubt, the case manager will seek views from the Trust's HR Team and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

18.9 Definitions for outcomes of allegation investigations

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive, or to cause harm to the subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

18.10 Procedure for dealing with allegations

18.11 In the event of an allegation that meets the criteria above, the case manager will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below:

- Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. Colleagues are encouraged to contact their trade union at the earliest opportunity where they are a member. Pathfinder Schools colleagues have access to a range funded support, including counselling and a prescribing 24/7 GP through the Health and Wellbeing

Cash Plan delivered by Westfield Health. Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice

- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child

18.12 For Pathfinder Schools Early Years Settings we will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

18.13 For all Pathfinder Schools settings If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

18.14 Where the police are involved, wherever possible the school will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

18.15 Additional considerations for supply teachers and all contracted staff

18.15.1 If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

18.15.2 We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome

18.15.3 We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required

18.15.4 We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations

management meeting or by liaising directly with the agency where necessary)

18.15.5 When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

18.6 Timescales

18.6.1 We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days

18.6.2 However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

18.7 Specific actions

18.7.1 Action following a criminal investigation or prosecution

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

18.7.2 Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the school will make a referral to the DBS for consideration of whether inclusion on the barred lists is required. If the individual concerned is a member of teaching staff, the school will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

18.7.3 Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

18.8 Unsubstantiated, unfounded, false or malicious reports

If a report is:

- . Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- . Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

18.9 Unsubstantiated, unfounded, false or malicious allegations

If an allegation is:

- . Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- . Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

18.10 Confidentiality and information sharing

18.10.1 The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

18.10.2 The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

18.11 Record-keeping

18.11.1 The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

18.11.2 The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

18.11.3 For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

18.11.4 In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate. We will retain all records at least until the accused individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

18.12 References

- 18.12.1 When providing employer references, we will:
- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
 - Include substantiated allegations, provided that the information is factual and does not include opinions

18.13 Learning lessons

- 18.13.1 After any cases where the allegations are *substantiated*, the case manager will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future. This will include consideration of (as applicable):
- Issues arising from the decision to suspend the member of staff
 - The duration of the suspension
 - Whether or not the suspension was justified
 - The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

18.13.2 For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

18.14 Non-recent allegations

- 18.4.1 Abuse can be reported, no matter how long ago it happened.
- 18.4.2 We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.
- 18.4.3 Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

18.15 Low Level Concerns

18.15.1 Keeping Children Safe in Education (KCSiE) defines a low-level concern as any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

18.5.2 The Trust has a specific Low-Level Concern Policy which provides staff with a mechanism to identify low-level concerns, to share them responsibly and to enable senior leaders to recognise and respond appropriately.

19 Monitoring and Review

19.4 Pathfinder Schools and the school/academy Senior Leadership Teams are responsible for monitoring the implementation, use and effectiveness of this policy and will report on these matters annually or more frequently if necessary.

19.5 All adults based in an education setting should know the name of the schools designated safeguarding lead/s or the equivalent individual and know and follow relevant child protection policy and procedures. All staff have a duty to report any child protection concerns to the designated person and know how to contact the Local Authority Designated Officer (formerly LADO), Ofsted or other appropriate regulatory bodies if appropriate.

19.6 Further guidance can be sought by referring to the HM Government document "What to do if you're worried a child is being abused: advice for practitioners". <https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>