



Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings 2006

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Any comments or proposed additions or amendments should be forwarded to Linda.Richardson@gonw.gsi.gov.uk or Jean.Pugh@dfes.gsi.gov.uk

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I. Definitions

Throughout this document¹ references are made to "children", "young people" and "pupils". These terms are interchangeable. All refer to children under the age of 18 years.

For ease of reading, references are often made to "school". This term is interchangeable with all other types of educational establishments e.g. FE Institutions, Sixth Form Colleges, Pupil Referral Units.

References to "staff" or "adults" include teachers, other staff/governors, and volunteers, working in or on behalf of a local authority education service, a school, an FE institution or other education setting, in either a paid or unpaid capacity.

The term "allegation" means any information that suggests an adult has caused or may cause hurt or harm to a child or young person.

Where there are references in this document to LEAs, this now refers to local authorities exercising education functions.

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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.

The guidance will also support employers in giving a clear message that unlawful or unsafe behaviour will not be tolerated and that where appropriate, legal or disciplinary action is likely to follow.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that any such guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their employer. It is expected that in these circumstances staff will always advise their senior colleagues of the justification for any such action already taken or proposed.

This document should be read in conjunction with the National Employers Organisation for School Teachers (NEOST) 'Guidance on Conduct', 'Preventing Abuse of Trust', and 'Staff Facing an Allegation of Abuse' jointly produced by NEOST and the six Teacher Unions. This document is also of relevance to LEAs and employers in education in respect of the requirements of Section 175 of the Education Act 2002 and the related guidance².

Finally, although the document has been written primarily for people working with children in education settings, it could be adapted for use in other settings e.g. youth work.

The authors of this guidance wish to acknowledge a range of source materials (see *appendix 1*). Thanks are also extended to the Child Protection Consultative Group, in particular those whose comments and contributions have informed both the structure and content of this document (see *appendix 2*).

² Safeguarding Children in Education September 2004 Ref: DfES/0027/2004
Safeguarding Children in Education: Dealing with Allegations of Abuse Against Teachers and Other Staff
November 2005 Ref: DfES/2044/2005

III. Underpinning Principles

- The welfare of the child is paramount (Children Act 1989)
- Staff should understand their responsibilities to safeguard and promote the welfare of children and young people
- 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 their line manager or another senior member of staff about, any incident, which may give rise to concern
- Records should be made of any such incident and of decisions made/further actions agreed, in accordance with school policy for keeping and maintaining records
- Staff should apply the same professional standards regardless of race, gender or sexuality
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them
- Staff should know the procedures for handling allegations against staff and to whom they should report concerns

1. 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 which safeguard young people and reduce the risk of staff being falsely accused of improper or unprofessional conduct.

This means that these guidelines:

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

2. Status of Document

This guidance has been produced by the IRSC* national network. It does not replace or take priority over advice or codes of conduct produced by Local Authorities or other sources. It underpins and complements guidance jointly produced by NEOST and the six Teacher Unions³. The document therefore may inform and assist LEAs and employers in education to develop and review their guidelines on safe working practices in line with the requirements of Section 175 of the Education Act 2002 and the related guidance 'Safeguarding Children in Education'.

**Investigation and Referral Support Co-ordinators were funded by the DfES. Their role was to support the development of best practice in child protection, especially where it relates to allegations against education staff*

3. 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.

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

All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from sexual, physical and emotional harm. Children have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of pupils. Failure to do so may be regarded as professional neglect.

The duty of care 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.

LEAs, 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.

³ National Employers Organisation for School Teachers – Guidance on Conduct, Preventing the Abuse of Trust, Staff Facing an Allegation of Abuse

Employers have a duty of care towards their employees under the Health and Safety at Work Act 1974⁴ which requires them to provide a safe working environment for staff and guidance about safe working practices. Thus, employers have a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. Staff who are subject to an allegation should therefore be supported and the principles of natural justice applied

The Health and Safety Act 1974 also imposes a duty on employees⁵ to take care of themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the staff duty of care towards children should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

The Governing Body of a school controls the use of the school premises both during and outside school hours, except where a trust deed allows a person other than the governing body to control the use of the premises, or a transfer of control agreement has been made.

Where the Governing Body provides services or activities directly under the supervision or management of school staff the schools arrangements for safeguarding must be followed.

4. 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.

Staff should always consider whether their actions are warranted, proportionate, and safe and applied equitably.

5. Power and Positions of Trust

As a result of their knowledge, position and/or the authority

This means that employers should:

- foster a culture of openness and support
- ensure that systems are in place for concerns to be raised
- ensure that staff are not placed in situations which render them particularly vulnerable
- ensure that all staff are aware of expectations, policies and procedures

This means that Governing Bodies should:

- ensure that appropriate safeguarding and child protection policies and procedures are adopted, implemented and monitored in school
- ensure that, where services or activities are provided by another body, the body concerned has appropriate safeguarding policies and procedures

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:

⁴ Health and Safety at Work Act 1974 Part I, Section. 2 (1) and (2)

⁵ Health and Safety at Work Act 1974 Part I, Section.7

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.

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 that child to engage in or watch sexual activity.

More detailed guidance is available in the NEOST/Joint Union Guidance on Preventing Abuse of Trust,⁶ and Sexual Offences Act 2003 Sections 16 – 22.

6. Confidentiality

Members of staff may have access to confidential information about pupils in order to undertake their every day responsibilities. In some circumstances staff may be given 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.

- *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 pupils , which are of a sexual nature, or which may become so*

This means that staff:

- *are expected to treat information they receive about children and young people in a discreet and confidential manner*
- *should seek advice from a senior member of staff if they are in any doubt about sharing information they hold or which has been requested of them*
- *need to be cautious when passing information to others about a child/young person*
- *need to know the procedures for handling allegations against staff and to whom any concerns or allegations should be reported*
- *need to know the name of those with delegated child protection responsibilities in school and be familiar with local child protection arrangements*

⁶ NEOST Guidance and Sexual Offences Act 2003 Sections 16 - 22

⁷ What to Do if you are Worried that a Child is Being Abused. Department of Health May 2003

⁸ www.doh.gov.uk/safeguardingchildren/index.htm

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.

The booklet "What To Do If You're Worried A Child Is Being Abused"⁷ contains further guidance⁸ on sharing information to protect children.

7. 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.

The General Teaching Council for England's (GTCE) Code of Professional Values and Practice, which is now embodied within the standards for Qualified Teacher Status, recognises that "Teachers support the place of the school in the community and appreciate the importance of their own professional status in society. They recognise that professionalism involves using judgement over appropriate standards of personal behaviour".

8. Dress and Appearance

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.

9. Gifts, Rewards and Selection of Pupils *

Staff should be aware of their Authority's guidance and/or school's policy including arrangements for the declaration of gifts received and given.

It is against the law for public servants to take bribes. Staff

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, or about, a pupil*
- *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:

- *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:

- *ensure that gifts received or given in situations which may be misconstrued are declared*
- *generally, only give gifts to an individual*

need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Similarly, it is inadvisable to give such personal gifts to pupils. This could be misinterpreted as a gesture either to bribe, or single out the young person. It might be perceived that a 'favour' of some kind is expected in return. (See Section 19)

Any reward given to a young person should be agreed practice within the establishment, consistent with the school's behaviour policy, recorded and not based on favouritism.

Staff should exercise care when selecting pupils for school teams, productions, trips and/or specific work tasks in order to avoid perceptions of favouritism or injustice. Similar care should be exercised when pupils are excluded from an activity. Methods of selection and exclusion should always be subject to clear, agreed criteria.

10. Infatuations

Staff need to be aware that it is not uncommon for pupils to be strongly attracted to a member of staff and/or develop a heterosexual or homosexual infatuation. All situations should be responded to sensitively to maintain the dignity of all concerned. Staff should also be aware that such circumstances always carry a high risk of words or actions being misinterpreted and for allegations to be made against staff.

A member of staff, who becomes aware that a pupil may be infatuated with themselves or a colleague, should discuss this at the earliest opportunity with a senior colleague so that appropriate action can be taken. In this way, steps can be taken to avoid hurt and distress for all concerned.

11. 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. If a pupil or parent 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 as grooming.

young person as part of an agreed reward system

- *where giving gifts other than as above, ensure that these are of insignificant value and given to all children equally*
- *ensure that all selection processes are fair and that wherever practicable these are undertaken and agreed by more than one member of staff*

This means that adults should:

- *report any indications (verbal, written or physical) that suggest a pupil may be infatuated with a member of staff*

This means that adults should:

- *always approve any planned social contact with pupils or parents with senior colleagues, for example when it is part of a reward scheme or pastoral care programme*
- *advise senior management of any social contact they have with a pupil which may give rise to concern*
- *report and record any situation, which*

This also applies to social contacts made through outside interests or the staff member's own family.

It is recognised that staff can support a parent who may be in particular difficulty. Care needs to be exercised in those situations where the parent comes to depend upon the staff member for support outside their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

they feel, might compromise the school or their own professional standing

- *refrain from sending personal communication to pupils e.g. letters and cards unless agreed with senior managers*

12. Communication with Pupils using Technology

Communication with children and adults, by whatever method, should take place within professional boundaries and staff should avoid any personal subject matter. This includes the wider use of technology such as mobile 'phones, text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs.

Adults should be circumspect in their communications with children so as to avoid, any possible misinterpretation of their motives or any behaviour which could be construed as grooming.

Staff should not give their personal contact details to pupils including e-mail, home or mobile telephone numbers unless the need to do so is agreed with senior management. Internal e-mail systems should only be used in accordance with school policy.

Staff should, in any communication with pupils, also follow the guidance in section 7 'Propriety and Behaviour'.

This means that adults should:

- *only use equipment provided by school to communicate with children*
- *only make contact with children for professional reasons and in accordance with any school policy*
- *recognise that text messaging pupils is rarely an appropriate response to a child in a crisis situation or at risk of harm. It should only be used as a last resort when other forms of communication are not possible*

This means that school should:

- *ensure that, when it is considered necessary for staff to use equipment to communicate with pupils, this is provided by the school*

13. 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 will 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 to their age, stage of development, gender, ethnicity and background. Appropriate physical contact in schools will 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.

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*
- *always encourage children, where possible, to undertake self-care tasks independently*

This means that schools should:

- *ensure they have a system in place for recording incidents and the means by*

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.

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 and/or form of communication 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 may 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.

14. 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.

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 DfES guidance in respect of physical contact with pupils⁹ and meeting medical needs of children and young people in school¹⁰.*

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*

⁹ Education and Inspections Act 2006, Part 7, Ch 1, 93 Power of members of staff to use force

¹⁰ DfEE Circular 14/96 Supporting Children with Medical Needs in School

15. 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 (See Section 20). Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

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 DfES guidance¹¹
- always explain to a pupil the reason why contact is necessary and what form that contact will take

16. Showers and Changing

Young people 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 young people, 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 young people concerned and sensitive to the potential for embarrassment.

Staff therefore need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the pupils.

This means that adults should:

- avoid any physical contact when children are in a state of undress
- avoid any visually intrusive behaviour
- where there are changing rooms announce their intention of entering
- avoid remaining in the room unless pupil needs require it

This means that adults should not:

- change in the same place as children
- shower with children

17. 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.

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 behaviour management policy

18. Care, Control and Physical Intervention

The circumstances in which staff can intervene with a pupil are covered by the 2006 Education and Inspections 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.

This means that schools should:

- regularly acquaint staff with relevant school policy and DfES Guidance
- ensure that staff are provided with BILD¹⁵ accredited training

This means that staff should:

- adhere to the school's physical

¹¹ British Association of Advisers and Lecturers in Physical Education: Guidance for Schools and LEAs

This is a complex area and staff must have regard to DfES guidance.^{12,13,14,}

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.

19. Sexual Contact

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'¹⁶ 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.

More detailed guidance is available in the joint NEOST/Union Guidance on Preventing Abuse of Trust and Sexual Offences Act 2003.

20. One to One Situations

Staff working in one to one situations with children and young people may be more vulnerable to allegations.

intervention policy

- *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 i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact*

This means that adults should:

¹² Education and Inspections Act 2006, Part 7, Ch 1, 93 Power of members of staff to use force

¹³ DfES Guidance LEA/0242/2002 The Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders

¹⁴ DfES Guidance LEA/0264/2003 The Use of Restrictive Physical Interventions for Pupils with Severe Behaviour Difficulties

¹⁵ British Institute of Learning Disabilities Physical Interventions Project

¹⁶ Working Together to Safeguard Children Department of Health, Home Office, DfES 1999

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.

Schools need to consider these issues in drawing up their school policies and offer clear training and guidance for the use of any areas of the school which place staff or children in vulnerable situations e.g. photographic darkrooms, counselling rooms.

Managers should undertake a risk assessment in relation to the specific nature and implications of one to one work for each worker. In addition, each assessment should take into account the individual needs of each pupil. Any arrangements should be reviewed on a regular basis.

Pre-arranged meetings with pupils away from the school premises should not be permitted unless approval is obtained from their parent and the head teacher or other senior colleague with delegated authority.

21. Home Visits

All work with pupils and parents should, wherever possible, be undertaken in the school or other recognised workplace. There are however occasions, in response to an urgent or specific situation where it is necessary to make one-off or regular home visits.

It is essential that appropriate school policies and related risk assessments are in place to safeguard both staff and children, who can be more vulnerable in these situations.

A risk assessment should include an evaluation of any known factors regarding the pupil, parents and others living in the household. Risk factors such as hostility, child protection concerns, complaints or grievances can make staff more vulnerable to an allegation. Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following the assessment, appropriate risk management measures should be in place before the visit is undertaken. Where little or no information is available, visits should not be made alone.

Where a programme of work is to be undertaken in the home an appropriate works space should be provided and a written work plan/contract should be agreed with the pupil and parent. This should include: clear objectives; content; timing; and duration of sessions; ground-rules; child protection and confidentiality statements. The plan should take into account the preferences of pupil and parent. There should also be an agreement that the parent or other suitable adult will remain in the home throughout the session.

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

These means that staff should:

- *agree the purpose for any home visit with senior management*
- *adhere to agreed risk management strategies*
- *avoid unannounced visits wherever possible*
- *ensure there is visual access and/or an open door in one to one situations*
- *always make detailed records including times of arrival and departure and, work undertaken*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate referred to other agencies*

This means that schools/employers should:

- *ensure that they have home visit and lone-working policies of which all staff are made aware. These should include arrangements for risk assessment and management*
- *ensure that all visits are justified and recorded*
- *ensure that staff are not exposed to unacceptable risk*
- *ensure that staff have access to a mobile telephone and an emergency contact person*

Where changes are unavoidable, these should be reported to the line manager and recorded. Staff may need to negotiate, assess any risk, and if necessary terminate the session, unless to do so could put the pupil at risk of harm. Emergency situations should be immediately reported to the line manager, police or social care as appropriate.

22. Overnight Supervision and Examinations

There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process. In these circumstances, staff may be asked to volunteer to supervise students perhaps in their own homes.

Most LEAs, Unions and schools do not endorse this practice. Where there are no staff volunteers, the examination awarding bodies allow for alternative supervisory arrangements to be made.

When staff do volunteer, efforts should be made to balance the purpose of the arrangement with the need to safeguard and protect the wellbeing of all parties.

This means that:

- a full health and safety risk assessment should have been undertaken
- all members of the household should have the appropriate checks made.¹⁷
- all arrangements should be made in partnership and agreement with the student and parents/carers
- arrangements involving one to one supervision should be avoided wherever possible.
- staff should have regard to any guidance that exists
- as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision
- whenever possible, independent oversight of arrangements should be made
- any situation which gives rise to complaint, disagreement or misunderstanding should be reported
- LEAs and schools should ensure that all arrangements reflect a duty of care towards pupils and staff

23. Transporting Children and Young People

In certain situations e.g. out of school activities, staff or volunteers may agree to transport children. A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties that may arise.

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.

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

¹⁷ DfES Guidance 0278/2002 Preventing Unsuitable People from Working with Children and Young People in the Education Service

24. 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.^{18,19}

This means that adults should:

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

25. First Aid and Administration of Medication

All schools must have trained and appointed first-aiders. 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, children should be encouraged to self administer medication or treatment including, for example any ointment, sun cream or use of inhalers.

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 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

This means that adults should:

- *adhere to the school's safety policy*
- *adhere to the school's intimate care policy*
- *make other staff aware of the task being undertaken*
- *explain to the child what is happening.*
- *always act and be seen to act in the child's best interest*

¹⁸ DfES A Good Practice Guide – Health and Safety of Pupils on Educational Visits 1998 and related supplementary guidance DfES/0564/2002

¹⁹ DfES Guidance Health and Safety – Responsibility and Powers Dec 2001

²⁰ DfES/DOH Managing Medicine in Schools and Early Years Ref 1448-2005 DCL-EN March 2005

²¹ DfES Guidance for First Aid in School 1988

administered.

There should be due regard to DfES guidance.^{20,21,}

26. Intimate Care

All children have a right to safety, privacy and dignity when contact of an intimate nature is required (for example assisting with toileting or removing wet/soiled clothing). A care plan should be drawn up and agreed with parents for all children who require intimate care on a regular basis.

Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. When assistance is required, staff should ensure that another appropriate adult is in the vicinity and is aware of the task to be undertaken.

Additional vulnerabilities that may arise from a physical disability or learning difficulty should be considered with regard to individual teaching and care plans for each child. As with all arrangements for intimate care needs, agreements between the child, their parents/carers and the organisation must be negotiated, agreed and recorded. In addition, the views and/or emotional responses of children with special educational needs, regardless of age and ability must be actively sought in regular reviews of these arrangements.

This means that adults should:

- *adhere to the school's intimate care guidelines*
- *make other staff aware of the task being undertaken*
- *explain to the child what is happening*
- *consult with colleagues where any variation from agreed procedure/care plan is necessary*
- *record the justification for any variations to the agreed procedure/care plan and share this information with parents*

27. Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity.

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to pupils' questions can require careful judgement and staff may wish to take guidance in these circumstances from a senior member of staff.

Care should also be taken to abide by the governing body's required policy on sex and relationships education and the wishes of parents. Parents have the right to withdraw their children from all or part of any sex education provided (but not from the biological aspects of human growth and reproduction necessary under the science curriculum)

This means that adults should:

- *have clear written lesson plans*

This means that adults should not:

- *enter into or encourage inappropriate offensive discussion about sexual activity*

28. 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.

29. Inappropriate Images *

Staff should take extreme care to ensure that children and young people are not exposed, through any medium, to inappropriate or indecent images.

Under no circumstances should any adult use school or college equipment to access such material, including adult pornography. Personal equipment containing these images, or links to them should never be brought into or used in the workplace. This will raise serious concerns about the suitability of the adult to continue working with children and young people.

Schools should have clear policies about access to and use of the Internet, and have regard to DfES guidance.²²

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*
- *take images of children using personal mobile telephones*

This means that adults should:

- *follow the school policy on the use of IT equipment*
- *ensure that pupils are not, through the use of any medium, exposed to indecent or inappropriate images*

²² Superhighway Safety Pack <http://safety.ngfl.gov.uk>

Accessing indecent images of children on the internet, whether using school or personal equipment, on or off school premises and making, storing or disseminating such material is illegal. If proven this will lead to criminal proceedings and the individual being barred from work with children and young people.

Staff should keep their passwords confidential and not allow unauthorised access to school equipment. In the event of any indecent images of children or unsuitable material being discovered on a school computer, the equipment should not be tampered with in any way, secured and isolated from the network, and the designated LA officer contacted without delay. Staff should not attempt to investigate the matter or evaluate the material themselves as this may lead to a contamination of evidence and a possibility they will be at risk of prosecution themselves.

30. Accommodation on site

Generally, staff should not invite one or more pupils into their home unless the reason to do so has been firmly established and agreed with senior management .

It is not appropriate for school authorities to expect or request that private living space be used to see pupils for e.g discussion of reports, academic reviews, tutorials, pastoral care or counselling. If these activities are required, management should ensure that appropriate accommodation is found elsewhere in the school.

Under no circumstances should pupils be asked to assist staff living on site with jobs or tasks in their private accommodation.

This guidance also applies to all persons living in or visiting the accommodation.

31. Whistle blowing

Whistle blowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Each employer should have a clear and accessible whistle blowing policy that meets the terms of the Public Interest Disclosure Act 1998.

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.

This means that adults should:

- *be vigilant in maintaining their privacy when living in on-site accommodation*
- *be mindful of the need to avoid placing themselves in vulnerable situations*
- *challenge any request for their accommodation to be used as an additional resource for school*
- *be mindful of the need to maintain professional boundaries*
- *be circumspect about asking pupils to undertake personal jobs or errands*

This means that adults should:

- *report any behaviour by colleagues that raises concern*

32. 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.

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.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of adults working with or on behalf of children and young people.²³

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*

All adults working in education settings should know the name of the school's designated teacher for child protection, 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 their designated person for child protection.

Anyone who has concerns or is in doubt should refer to the document "What To Do If You're Worried a Child Is Being Abused" and follow that guidance.

²³ Dealing with Allegations of Abuse against Teachers and Other Staff Ref DfES/2044/2005 Para 10

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APPENDIX 2

Child Protection Consultative Group

Assistant General Secretary - Secondary Heads Association
UNISON
Professional Association of Teachers
Church of England Board of Education
Independent Schools Council
National Association of School Masters/ Union of Women Teachers
National Association of Head Teachers
National Union of Teachers
Westminster LEA
National Association of Teachers in Further and Higher Education
Universities Council for the Education of Teachers
National Governors Council
Head of Legal Services - Association of Teachers and Lecturers
Catholic Education Service
Association of Colleges
Sixth Form Colleges Employers Forum
The Employers Organisation
Foundation and Voluntary Aided Schools Association
Welsh Assembly
OFSTED