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| Agreed by: Learning and Achievement Committee | Date: 28/08/23   |
| Name: Sally Evans                             | Signature:  |

# Child Protection – Safe Working Practices September 2023

**Developing safe working practices for the protection of children and staff in education settings**

*These guidelines apply to ALL adults working in education settings whatever their position, roles, or responsibilities.*

**Safeguarding and promoting the welfare of children is everyone’s responsibility**

## **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.

## **2 Status of Document**

This document is endorsed and recommended by the Safer Recruitment Consortium. It should inform and assist employers to develop and review their guidelines on safer working practices. It may be used as reference by headteachers, managers and Local Authority Designated Officers (LADO) when responding to allegations made against staff in education settings. It underpins and complements guidance jointly produced by NEOST and the six Teacher Unions.

This guidance supports the requirements of Section 175 of the Education Act 2002 and the related guidance 'Keeping Children Safe in Education 2023'.

## **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.

All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from sexual, physical and emotional harm. Staff should also be aware of PREVENT and the signs that may mean a child is at risk of radicalisation. Children have a right to be safe and to be treated with respect and dignity. It follows

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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.

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

Employers have a duty of care towards their employees under the Health and Safety at Work Act 1974 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 employees 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.

Highfield Governing Body controls the use of the school premises both during and outside school hours.

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

#### **4 Making Professional Judgements**

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 act in the best interest 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 interest 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, safe and applied equitably.

#### **5 Power and Positions of Trust**

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

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

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

More detailed guidance is available in the NEOST/Joint Union Guidance on Preventing Abuse of Trust, and Sexual Offences Act 2003 Sections 16-22, and NSPCC [Preventing abuse in positions of trust | NSPCC Learning](#)

## 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 or parent 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.

The storing and processing of personal information is governed by the Data Protection Act (2018) and General Data Protection Act (GDPR) (2018). 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 the headteacher

The booklet "What To Do If You're Worried A Child Is Being Abused" contains further guidance 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 standards for Qualified Teacher Status (QTS), 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". This applies to all employees for Highfield.

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## 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 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, eg 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.

Any reward given to a young person should be agreed practice within the establishment, consistent with the school's behaviour policy, 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.**

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## 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.

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.

## 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, blogs and social media and other emerging technologies.

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 and 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'.

For further information regarding social media and mobile technologies, please refer to our Acceptable Use of Social Media and Mobile Technologies Policy

## 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 children.**

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.

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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.

We have an active positive touch ethos, as described in our policies for supporting behaviour and physical touch. Parents are informed and sign up to this as part of the induction process (DMP).

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.

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.

#### **14 Other activities which require physical contact**

At times when supporting children in physical movement and Developmental Movement Play (DMP) staff 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.

Please see our Physical touch and handling policy.

Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment. Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

#### **15 Changing and 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).

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, arrangements 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.

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## **16 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 child. 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. Please see our Supporting Behaviour Policy

## **17 Care, Control and Physical Intervention**

The circumstances in which staff can intervene with a pupil are covered by the 1996 Education Act. Staff may legitimately intervene to prevent a pupil from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behaviour prejudicial to good order and to maintain good order and discipline. Staff should have regard to the health and safety of themselves and others.

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.

Head teacher is School Safe trained.

## **18 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' 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.

## **19 One to One Situations**

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

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.

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.

## **20 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 work 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, 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.

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

## **21 Transporting pupils**

In certain situations, staff may be required or offer to transport pupils as part of their work. As for any other activity undertaken at work, the employer has a duty to carry out a risk assessment covering the health and safety of their staff and to manage any known risks.

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Consideration must be given to the potential distraction of the driver and the supervision of the passengers. A judgement should be made about the likely behaviour and individual needs of the child/ren. If any of them may require close supervision, then another adult should travel in the vehicle so that the driver is not distracted or compromised.

Staff should not offer lifts to pupils unless previously agreed with the head teacher. In all cases, there should be at least one other member of staff as an escort. Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles and with at least one adult additional to the driver acting as an escort. It is a legal requirement that all passengers wear seatbelts and the driver should ensure that they do so. They should also be aware of and adhere to current legislation regarding the use of car seats or booster seats.

## **22. Educational visits**

Staff responsible for organising educational visits should be familiar with the Department for Education's advice on Health and Safety available at <https://www.gov.uk/government/publications/healthand-safety-on-educational-visits>.

The duties in the Health and Safety at Work etc. Act 1974 and the supporting regulations apply to activities taking place on or off the school premises (including school visits) in Great Britain.

All school employers must have a Health and Safety policy. This should include policy and procedures for off-site visits, including residential visits and any school-led adventure activities.

The Management of Health and Safety at Work Regulations (1999) impose a duty on employers to produce suitable and sufficient risk assessments. This would include assessment of any risks to employees, children or others during an educational visit, and the measures that should be taken to minimise these risks. For regular activities, such as taking pupils to the meadow, the risks should be considered under the school's general arrangements and a check to make sure that the precautions remain suitable is all that is required. For annual or infrequent activities, a review of an existing assessment may be all that is needed.

For new higher-risk activities or trips, a specific assessment of the significant risks should be carried out. Staff should take particular care when supervising pupils in the less formal atmosphere of an educational visit where 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.

## **23 First Aid and Administration of Medication**

All schools must have an adequate number of qualified and appointed first-aiders. Teachers may volunteer to undertake this task but it is not a contractual requirement. Staff should receive appropriate training to reach the necessary level of competency before administering first aid or medication or support children with medical conditions.

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.

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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 administered.

## **24 Photography, Videos and Other Media**

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 a photograph is used, avoid naming the child
- If the pupil is named, avoid using their photograph
- Schools should establish whether the image will be retained for further use, in line with guidance in the General Data Protection Regulation (GDPR)
- Images should be securely stored and used only by those authorised to do so, in line with guidance in the General Data Protection Regulation (GDPR)

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.

## **25 Exposure to 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.

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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.

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, it should be secured and isolated from the network, and the designated LA officer (LADO) 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.

## **26 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 relationships and sex education (RSE) and the wishes of parents. The RSE curriculum is statutory from reception.

## **26 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.

## **28 Sharing Concerns and Recording Incidents**

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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.

Staff should report any concerns to the DSL and place paperwork in the drawer in the Head teacher's desk and record the concern.