

Issue Date: January 2016 (previous issue September 2014)
Date Adopted: Ratified/Updated 9 th October 2017/Updated Jan 19 /March 19 (appendices added)
Signed By:
Approval Committee: Trustee Board Health and Safety Committee



Wyvern Academy

Staff Code of Conduct

To be read in conjunction with the national guidance: 'Guidance for safer working practice for those working with children and young people in education settings - October 2015'.

1. Definition

1.1. References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all pupils, including those over the age of 18 years. 'Child' should therefore be read to mean **any pupil** at the education establishment.

1.2. References made to adults and staff refer to all those who work with children in an educational establishment, in either a paid or unpaid capacity.

1.3. The term 'allegation' means where it is alleged that a person who works with children 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 may pose a risk of harm to children.

2. Introduction

2.1. Schools have a legal duty to create and maintain a safe learning environment for children. A staff Code of Conduct is a **mandatory** requirement as described in the DfE statutory guidance: 'Keeping Children Safe in Education 2015' (paragraph 34).

2.2. The school seeks to provide a safe and supportive environment which secures the well-being and very best outcomes for children in our care. The following code draws together existing laws, regulations and conditions of service designed to protect the interests of staff and volunteers and the children with whom they work and this has been agreed following consultation with recognised trade unions and is recommended for adoption.

2.3. Staff should be aware that a failure to comply with this code could result in disciplinary action including dismissal.

3. Purpose and Scope

3.1. All staff and volunteers working in a school setting have a legal and moral duty to keep children safe and protect them from harm. Staff should ensure they do not put themselves in situations in which allegations of abuse or inappropriate behaviour could be made.

3.2. This code applies to all adults working in schools whatever their position, role or responsibilities.

3.3. All staff have a responsibility to be aware of systems within their school which support safeguarding, which should be explained as part of staff induction and through regular staff training.

3.4. The code should be read in conjunction with the relevant statutory and other guidance documents issued nationally or by the DfE and Home Office as well as other related school policies (see **Appendix 1** of this policy).

3.5. This code cannot cover every eventuality. Its purpose is to show the standard expected of staff but it does not replace the general requirements of the law.

3.6. All staff employed under Teachers' Terms and Conditions of Employment have a statutory obligation to adhere to the 'Teachers' Standards 2012' and in relation to this code, Part 2 of the Teachers' Standards - Personal and Professional Conduct which this code supplements.

3.7. It is recognised that the vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children in their care. Achieving these aims is not always straightforward, as much relies on child and staff interactions where tensions and misunderstandings can occur. This code aims to reduce the risk of that.

4. Core Principles

4.1. The welfare of the children is paramount.

4.2. Staff are responsible for their own actions and behaviour and should seek to avoid any conduct that would lead any reasonable person to question their motivation or intentions.

4.3. Staff should dress appropriately at all times for the tasks they undertake and ensure they promote a positive and professional image.

4.4. Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation.

4.5. Staff should not consume or be under the influence of alcohol or substances, including prescribed medication that may affect their ability to care for children.

4.6. Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct, prohibition from teaching by the National College of Teaching & Leadership (NCTL).

4.7. Staff and managers should continually monitor and review practice to ensure this guidance is followed and should understand their responsibilities to safeguard and protect children.

4.8. Staff should discuss and/or take advice promptly from their line manager or another senior member of staff over any incident which may give rise to concern.

4.9. Records should be made of any incident and decision made or where further actions have been agreed, in accordance with school policies and confidentiality.

4.10. All staff should know the school's Designated Safeguarding Lead and be familiar with local child protection arrangements, arrangements for managing allegations against staff, whistleblowing procedures and their Local Safeguarding Children Board (LSCB) procedures.

4.11. Staff should be aware of and comply with the school's financial and administrative regulations and any other procedure manuals.

5. Conduct and Behaviour

5.1. All staff who work in a school setting are in a position of trust in relation to individuals in their care and so must adopt high standards of personal integrity and conduct and behave in such a way that does not compromise their position both within and outside of the workplace or the safety and/or welfare of children and young people.

5.2. Staff should be aware that it is a criminal offence (Sexual Offences Act 2003: abuse of a position of trust) to engage in sexual activity with a pupil under the age of 18.

5.3. Teachers are expected to demonstrate consistently high standards of personal and professional conduct in accordance with the minimum professional Teaching Standards.

5.4. Staff should never make (or encourage others to make) unprofessional comments or use physical force as a form of punishment.

5.5. Staff should always adhere to the school's policies on Behaviour Management and Use of Reasonable Force.

5.6. Staff should not use any information obtained in the course of their employment for personal gain or benefit. Nor should they pass it on to others who might use it in such a way.

6. Equality Issues

6.1. All staff should adhere to the school's Equal Opportunities Policy, in addition to the requirements of the law.

6.2. All adults and children at the school have a right to be treated at all times with fairness, equality and without discrimination.

7. Employment Matters

7.1. All staff involved in recruitment and selection processes should ensure that appointments are made on the basis of merit, without discrimination and in accordance with the school's recruitment and selection policy and procedure.

7.2. Any staff involved in tendering processes should ensure that these are made on the basis of merit.

7.3. No member of staff should be involved in any appointment or decision relating to discipline, promotion, or pay adjustments for any individual who is a relative or with whom they are in a close personal relationship.

7.4. All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Headteacher or the Chair of Governors (if the Headteacher).

8. Public Duty and Private Interest

8.1. Staff should not put themselves in a position where their duty to the school and their private interests conflict.

9. Other Employment/Private Work

9.1. Any external work undertaken must not bring the school into disrepute or conflict with the school's interest.

9.2 Any copyright created by a member of staff during their employment with the school becomes the property of the school.

10. Safeguarding

10.1 Staff have a duty to safeguard pupils/students from:

- physical abuse
- sexual abuse
- emotional abuse
- neglect

10.2. The duty to safeguard children and young people includes the duty to report child welfare concerns to the school's Designated Safeguarding Lead (DSL),

10.3. Staff should be aware of and adopt the recommended procedures and best practice guidance outlined in the national Guidance for Safer Working Practice for those working with children and young people in education settings (October 2015).

10.4. Staff should be aware of and follow the statutory responsibilities outlined in Keeping Children Safe in Education.

10.5. Staff should be aware of the risks to children from radicalisation and being drawn into terrorism as outlined in the Prevent Duty guidance.

- **Guidance for Safer Working Practice**

- (i) This document will be used to support the Code of Conduct and as such may be referred to in any disciplinary proceedings.
- (ii) Staff should read this document in conjunction with this code.

- **Keeping Children Safe in Education**

- (i) This document sets out the statutory duties schools must follow and includes guidance on mandatory reporting requirements. It is advised that this is read alongside **Working Together to Safeguard Children**.
- (ii) Staff should ensure they understand and are familiar with their responsibilities and where this includes mandatory reporting expectations they understand their role any locally agreed procedures for reporting, such as informing the Designated Safeguarding Lead.
- (iii) Staff should be aware of the personal reporting duty with regard to known cases of female genital mutilation (FGM). Supplementary to Keeping Children Safe in Education, staff can obtain further guidance in the '**Mandatory Reporting of Female Genital Mutilation – procedural information**' document.
- (iv) Staff should refer any concerns about another member of staff to the Headteacher, or if the concern is about the Headteacher to the Chair of Governors or equivalent.
- (v) Staff should raise concerns of poor or unsafe practice or potential failures in safeguarding, using the school's whistleblowing policy.

- **Prevent Duty**

- (i) Under section 26 of the Counter-Terrorism and Security Act 2015, staff must have 'due regard to the need to prevent people from being drawn into terrorism'
- (ii) Staff should refer any concerns regarding radicalisation to the school's Designated Safeguarding Lead or a senior member of staff, following the school's normal safeguarding procedures.
- (iii) Relevant staff should understand when it is appropriate to make a referral to the Channel programme, a mechanism for schools to make referrals if they are concerned that an individual might be vulnerable to radicalisation.
- (iv) Staff should ensure they have undertaken some form of Prevent awareness training

11. Financial inducements, gifts, hospitality and sponsorship

11.1. Staff should not seek or receive preferential rates for themselves by virtue of their dealings on behalf of the school

11.2. Staff should ensure that gifts are declared if they are received.

11.3. Where staff provide gifts they should ensure they are of insignificant value and given to all children equally.

12. Use of School Time and Facilities

12.1. The school's property and facilities (e.g. stationery, computers, photocopiers, mobile phones) may only be used for school business unless permission for their private use has been granted.

13. Publication of Books/Articles

13.1. Staff must consult with the Headteacher before publishing book, articles, letters, dissertations etc where they are described as holding an appointment at the school.

14. Disciplinary Action

14.1. All staff should be aware that a failure to meet these standards of behaviour and conduct may result in disciplinary action, including dismissal.

This policy/procedure is to be read in conjunction with all others that come under the Wyvern Safeguarding family of policies.

These are: Child Protection, Behaviour (including anti-bullying), Staff Code of Conduct, SRE, Intimate Care, Medical, Whistle-Blowing, Health and Safety, E-Safety, Safer Recruitment, Complaints, Allegations Procedures, Attendance (pupils), Data Protection, Looked after Children, Lone Working, Manual Handling, Pool Safety Operating Procedures, Violence at Work.

As such, reference is made to the key guidance documents: Keeping Children Safe in Education 2018 and Guidance for Safer Working Practice 2015.

APPENDIX 1

POLICIES AND OTHER DOCUMENTS TO BE CONSIDERED AND READ IN CONJUNCTION WITH THE STAFF CODE OF CONDUCT (Listed in alphabetical order)

Policy/Procedure/Guidance
Allegations of abuse against staff and volunteers
Child Protection Policy**
Data Protection Policy
Disciplinary Policy and Procedure
Drugs and Alcohol Policy
Equal Opportunities Policy
E- Safety/Internet Use/Social Networking/ICT Policies
Guidance for Safer Working Practice* national guidance for those working with children and young people in Education Settings. Link:http://www.safeguardingschools.co.uk/wp-content/uploads/2015/10/Guidance-for-Safer-Working-Practices-2015-final1.pdf
Health and Safety Policy
Intimate Care
Keeping Children Safe in Education*- DfE statutory guidance Link:https://www.gov.uk/government/publications/keeping-children-safe-in-education--2
Mandatory Reporting of Female Genital Mutilation procedural information* Link:https://www.gov.uk/government/publications/mandatory-reporting-of-female-genital-mutilation-procedural-information
Use of Positive Force
Prevent Duty Guidance* Link: https://www.gov.uk/government/publications/prevent-duty-guidance
Recruitment and Selection Policy
School Record Keeping Policy
Whistleblowing Policy

*It is expected that staff will adhere to the statutory duties and/or best practice outlined within these documents as applicable to their role and responsibilities.

**The Child Protection Policy is available from the Safeguarding and Standards Team. Please contact sasteam@dorsetcc.gcsx.gov.uk for further details.

Declaration of receipt

I confirm that I have read the Staff **Code of Conduct with appendices** and Guidance for **Safer Working Practice for those working with children and young people in education settings, October 2015** and understand that any unlawful or unsafe behaviour could lead to appropriate legal or disciplinary action being taken.

Name: *(please print)*:

Signature:Date:

Please return this slip to your Head teacher as soon as possible

Additional Guidance For Staff:

Wyvern Academy Staff Code of Conduct: Clarification on use of Personal Mobile Phones and Portable Devices.

General: Mobile phones have not been banned from school but as their use has been involved in high profile abuse cases in educational settings it is necessary to set clear guidelines for all staff in order to uphold the highest standards and protect staff from the risk of allegations.

Mobile phones should not be routinely carried on a member of staff's person during the school day and should be kept in a bag, locker or cupboard. Staff may use their mobile phone on breaks in the staff room or a quiet room, by agreement with SLT, and anywhere within the school before and after curriculum time (9am-3:30pm).

While staff will be expected to take a mobile phone with them on class trips for safety reasons, in such situations their use must be only for safety-related reasons (i.e. not personal or recreational reasons) for the duration of this trip.

Staff members attending after-school meetings or INSET days should keep phones on silent and should notify the speaker in advance if they have reason to be 'on call'.

Detailed Clarification:

Risk	Required Action
Taking photos/videos on personal device	Absolutely no photos or videos to be taken with staff personal devices (phone, camera, tablet, laptop etc.) in school, in school grounds or the wider campus or while out on a trip, walk or educational visit, whether there is a student in the picture or not.
Using phone during lesson time	No personal or work-related calls, emails, messages or texts to be made or taken on personal mobile phones or portable devices in the classrooms, corridors, yard or playgrounds during curriculum time, in <i>or</i> out of the presence of students. In the event that a member of staff has a very important personal need to be contactable, the school's main number should be given to the caller and office staff should be informed in advance where possible. If necessary a quiet, confidential room will be provided to take or return the call.
Disturbance of lessons due to ringing or notifications.	Any mobile device being stored in school during the day must be switched off or silenced when not in use.
Extended services	The above rules also include staff involved in student transport to and from school for the duration of the journey with pupils and any pick-up/drop-off periods. They also apply to periods of time at weekends and in holidays when school staff provide respite either in school or out in the community under an agreed SLA with Dorset County Council.

This should be read in conjunction with the school's E-Safety policy and the staff Acceptable Use Policy which all staff are required to read and sign.

Wyvern Academy Staff Code of Conduct: Clarification on use of Social Media.

General

Social media platforms offer varying degrees of control over the information shared (linked) and while there is a growing concern about the security of this, breaches commonly occur through user error or deliberately malicious action. Generally, once something has been posted to the internet in any form, *all effective control over who sees it can be considered lost.*

It is therefore important, as part of the professionalism and socially responsible behaviour in our Staff Code of Conduct, that all employees of Wyvern Academy, Trustees and approved providers understand and adhere to the guidance below and respect the reputation of the school. This guidance is in place as part of the school's Child Protection measures and to protect staff from placing themselves at risk of an **allegation**.

'What may just be social contact to one person can be a very professionally sensitive matter to the other which, if it becomes the source of a complaint, falling out or allegation, could result in actual disciplinary procedures or dismissal, with life-affecting consequences.'

Most of this guidance is the application of existing confidentiality, safeguarding, data protection and Acceptable Use Agreement expectations that have been applied to using social media platforms. This guidance refers to the *use* of social media and is not specific to any one device, be it personal or school owned or any one social media platform.



Who does this cover?

Use of social media is not prohibited but there are necessary restrictions. (The school runs its own web presence including social media for the official publication of news, information and documents.)

It is understood that many staff and trustees will have their own private social media use. It is also understood that staff and trustees may be 'real life' friends with each other and so will be linked ('friended') with each other on social media platforms. This in itself is not problematic.

Students - Staff must not link or be linked (tag, follow, connect, 'friend') with or by existing students of the school, including those over 18 years of age. Staff should not link with ex-pupils under 18 years of age. Caution is advised linking with ex-pupils over 18 as they are in all likelihood still vulnerable adults.

If a newly appointed member of staff already knows a Wyvern student socially and is linked on social media before commencing work, it must be made clear to them that they cannot continue to be linked due to the requirements of the school Code of Conduct.

Families – Staff must not link with, or be linked by, any immediate family member of a student through the context of their work at school. Where legitimate friendship or business (such as Direct

Payments work) exists with the family outside of the context of the school there must be no postings of text, pictures or moving images that relate to Wyvern Academy (school matters or school life).

Colleagues – Use of social media for personal and social reasons between colleagues is their right. However, Wyvern Academy has a duty to set boundaries for its use in relation to the business of the school.

Dos and Don'ts



On social media, staff must not:

- discuss students, whether they are identified by name or not, with colleagues or write (post) anything that could be considered personal information about a student, including educational, medical, friendship or family details.
- discuss or write anything about students' family members.
- discuss other staff, either in the context of their work at school or about any personal matters they have come to hear about whilst at work.
- discuss staff from other local schools they may come into contact with professionally or any visiting professionals or volunteers.

On social media, staff may:

- Link to, tag, follow or *friend* non-school people of their choice as they wish.
- Link to, tag, follow or *friend* colleagues in school by mutual consent.
- Discuss and share information with colleagues about any non-school matters, that are not covered by the guidance above.

Anyone identifying themselves as a Wyvern staff member on social media and being found to interact with content of an illegal or offensive nature risks bringing the name of the school into disrepute even if their activity is not related directly to school business. This would result in action being taken against the staff member, up to and including dismissal, on top of any other formal legal action that might be deemed appropriate.

This guidance will be reviewed regularly in order to remain current with social and technological change and may be read in context with the academy's safeguarding documents and in particular the Confidentiality Policy, The Acceptable Use Agreement and the Staff Code of Conduct.

What Is Information?

Text, entered on social media, either as initiating content or as a comment on something someone else has initiated. Descriptions, views, opinions, facts, statistics or hyperlinks to text in other locations.

Pictures, including photos, drawings, diagrams, graphs or hyperlinks to suchlike in other locations.

Moving Images, including videos, animated GIFs, short loops or hyperlinks to suchlike in other locations.



Bruce Douglas
March 2019

Wyvern Academy Staff Code of Conduct: Clarification on expectations for academy staff undertaking *Direct Payment* work for students' families.

Introduction

Wyvern Academy staff represent a local and highly trained and trusted source of potential employees for parents wishing to use their Direct Payments (DP) to gain support or respite at home, out of school hours. DP work is a good source of extra income for Wyvern staff that doesn't impinge on their working hours and uses their existing skills and training.

As such there is no contractual or ethical reason why staff should not take up this sort of opportunity and while the confidentiality and conduct matters involved are fully covered by existing documents and policies, this guidance has been produced to provide clarity around particular aspects, in order to minimise the possibility of staff putting themselves at risk of an allegation.

Staff members undertaking DP work are responsible for establishing their working hours and pay rates; family expectations and for ensuring that their work at school is not adversely affected by fatigue. Under the Working Time Regulations 1998 there is a requirement that employees do not work more than 48 hours a week, unless the employee has chosen voluntarily to sign an opt-out agreement. Where this is the case, we have a responsibility to find out how many hours the staff member is working and, if more than 48 hours, ask the staff member to sign the opt-out agreement. In addition, if we believe that the staff member's own or others' (in particular our pupils') health and safety is being adversely affected by having two jobs, steps may have to be taken to reduce this risk, for example asking the staff member to work less hours or possibly give up the other job.

Transparency

- When staff members take up DP work with a family it is common for their relationship, outside of the school setting, to become more informal and even seem like becoming part of the family. This might include knowing all sorts of details about the family members' lives they might otherwise not know. It is also possible for boundaries to become blurred and so it is essential that the strictest confidentiality around information is maintained, out of the home and especially in school. The only exception to this would be if the staff member had safeguarding concerns which would need to be addressed through the child protection procedures.
- Any staff undertaking DP work for a Wyvern family should make this known to the senior leadership who will keep a register in line with the Working Time Regulations duty. Any difficulties or breakdown in relationship with the family should also be confidentially reported. The reason for this is that cases can sometimes spill over into school work which is potentially compromising for the staff member and might bring up issues around the pupil. Senior leadership may be required to become involved to support the staff member. It can also have an effect on which classes staff are placed in at school when relationship confusions might affect the pupil.

- On taking up DP work it will be necessary for the staff member to make sure the family understands the need to maintain a clear separation of business between the two employments. This will mean establishing that they cannot become a route for official communication between home and school (this should go through Home-School Diaries or contact with the Office). Other aspects of the Code of Conduct will also apply

Communication

- Communication with the family will naturally be necessary for day to day arrangements. Whilst there is clear guidance in place around staff use of mobile phones in school, this will often be the most convenient method to make arrangements and staff are reminded about the restrictions on where and when use of personal mobile phones is permitted. As senior leadership will be informed of any potentially inappropriate contact with families, this is another reason why making sure any DP work is known to them.
- Within the scope of communication is the use of social media, pictures and videos. It is entirely possible that the family worked for are frequent users of social media websites and apps and that staff members may appear in them from time to time. Here again openness about DP work will make sure anything reported to senior leadership is known about. Staff members are reminded about the school's rules on the appropriateness of photos. Whilst these rules are not enforceable outside of school business, as common-sense advice they are completely relevant in terms of avoiding unwelcome comments or accusations.

Conduct

- Although not under their Wyvern contract during their DP work, there is an obvious and unavoidable connection with Wyvern Academy and hence the conduct of the staff member will reflect on school. There is a completely understandable informality away from the school setting but it is nevertheless important, especially while out and about locally or on social media, to have consideration for the excellent reputation the school has in our community.
- In a similar vein, staff members do become ambassadors for the school by virtue of their day-job. It is not inappropriate to answer questions about the school or how things work in classes as long as no other individual pupils or staff members are discussed. We should all feel proud of our school and our standards and it is perfectly OK to explain what we do. However, if a family has any kind of complaint or grievance about school it is not the staff member's duty to defend school practices and decisions. This is part of the separation of business mentioned above as it would place the staff member in a very difficult and unfair position. If this situation arises the family must contact school directly and speak to the class teacher or the Headteacher.
- Equally, there may, from time to time, be decisions in school the staff member does not personally agree with, understand or like. It is important in such a situation to maintain the separation of business and not share these concerns with the pupil's family.

*Bruce Douglas
March 2019*