

## **Code of Conduct and Guidelines for Safe Working Practices for the Protection of Children and Staff 2018-2019**

### **Just Learn Independent School**

#### **Introduction**

- 1.1 The Board of Trustees of Just Learn Independent School have a legal duty under Section 175 of the Education Act 2002 to safeguard and promote the welfare of students by creating and maintaining a safe learning environment.
- 1.2 In this regard all Just Learn Independent School Staff have a duty to keep children and young people safe and protect them from harm. Staff should ensure that they do not put themselves in situations in which allegations of abuse or inappropriate behaviour could be made.
- 1.3 The Public are entitled to expect the highest standards of conduct from school staff, board of trustees and volunteers and to have trust and confidence in their integrity.
- 1.4 All adults working at Just Learn Independent School must therefore act in utmost good faith with regard to the business of the school and not do anything which may adversely affect its reputation.
- 1.5 The following Code has been drawn up with the view to reducing the risk of staff being accused of improper or unprofessional conduct in all aspects of their work. It aims to help staff work safely and professionally and clarify what behaviour constitute safe practice and what is unacceptable and/or illegal.
- 1.6 The Code refers to Just Learn Staff Handbook; Keeping Children Safe in Education; Teacher's Standards.

#### **2. Scope**

- 2.1 The Code applies to all adults working in Just Learn whatever their position, roles or responsibilities.
- 2.2 The Code is predominantly geared towards safe working practices for the protection of children, young people and staff. In this connection should be read in conjunction with Just Learn's: Safeguarding Policy; The Staff Handbook; Teacher's Standards. However, the Code also encompasses other general aspects of conduct expected with Just Learn Independent School.
- 2.3 The Code cannot cover every eventuality. Its purpose is to show the standard expected of employees, but does not replace the general requirements of the law.

2.4 In respect of teachers specifically, the Code supplements the General Teaching Council (GTC) Code of Conduct and Practice for Registered Teachers.

### **3. General Obligations**

Staff should understand the responsibilities that are an intrinsic part of their employment or role. They should make a professional judgement about their actions and behaviour and seek to avoid conduct, which would lead to any reasonable person to question their motivation or intentions.

If there is an incident where staff feel there may be concern, they should discuss the circumstances that informed their action, or their proposed action with a senior colleague, to help ensure that the safer practices are employed and the risk of actions being misinterpreted or reduced.

Records should be made of any incidents and decisions made or further actions agreed, with their justifications, in accordance with the School's Behaviour Policy.

All staff should know the designated person for child protection, be familiar with local child protection arrangements and understand their responsibilities to safeguard and protect all young people.

Staff should understand their responsibility to voice any general concerns that they might have about practice within the school, in accordance with Just Learn's Whistle Blowing Policy.

Unlawful, unsafe or inappropriate behaviour may result in disciplinary action being taken.

### **4. Good Practice**

The following Code and guidelines set out specific areas of conduct and behaviour that constitutes good practice.

If staff are in any doubt about any aspect of this guidance or need to seek further clarification about a particular situation in the absence of specific guidance, are advised to speak to a senior manager within Just Learn Independent School.

## 4.1 Propriety and Behaviour

4.1.1 All adults working with children and young people are in a position of trust in relation to the individuals in their care. Staff are expected to adopt high standards of personal integrity and conduct and behave in such a way that does not compromise their position both within and outside Just Learn Independent School. Therefore bringing the School's reputation into disrepute.

4.1.2 The General Teaching Council for England's Statement of Professional Values and Practice also sets out the minimum professional standards for the regulation of the teaching profession and recognises that "professionalism involves using judgement over appropriate standards of personal behaviour"

Staff should not:

- Behave in a manner, which would lead to any reasonable person to question their suitability to work with children or act as a role model;

Use their power to intimidate, threaten, coerce or undermine students;

- Make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate other individuals or might be interpreted as such.

## 5. Confidentiality and Information Disclosure

5.1.1 The company has access to a considerable amount of information concerning Students and Clients and it is a most important condition of Employment with this school that this information should be treated as **strictly confidential**. Failure to do so may result in disciplinary action being taken against you, up to and including summary dismissal for proven acts of gross misconduct.

5.1.2 Confidential Information means any information which has been designated as confidential in writing or that ought to be considered as confidential including information which relates to the business, affairs, properties, assets, trading practises, provisions, goods and services, developments, trade secrets, Intellectual Property Rights, know-how, Personnel, customers and suppliers of Jus 'T' Learn. All personal data and sensitive personal data within the meaning of the Data Protection Act 1998 and the Commercially sensitive Information.

5.1.3 On a Practical level, staff are reminded of the following;

- Take great care to avoid disclosing confidential information when speaking by telephone or to a client in the presence of another person.

- No papers or books of any sort showing clients names, personal data or other similar information may be left in the reception or other public areas.
- It is the responsibility of the last person to leave the office to ensure that all external doors are securely locked.

## 5.2 Disclosure of Information

- 5.2.1 You shall not directly or indirectly disclose to any unauthorised person any knowledge or information relating to the school's business, or the business of any of the school's clients and students without first obtaining permission in writing from the school.
- 5.2.2 You will not use for your own purposes or profit or for any purposes other than those of the school, any information which you may acquire in relation to the school's and/or its client business.
- 5.2.3 The rules concerning disclosure of information apply both during after employment with the school.
- 5.2.4 Unauthorized access to school Information, whether computerized or manual, may lead to disciplinary action.
- 5.2.5 At the time of leaving the school, for whatever reason, you are required to fill in a **'Leavers Checklist'** and return all products, documentation or any other information related to the company and, if requested, confirm compliance of the same in writing. In addition, The company reserves the right to request such information to be returned during the period of notice should the school deem it possible that there could be a risk, intentional or otherwise, of the school's commercially sensitive information being made available to other parties.
- 5.2.6 **Sharing information with the Police** – The Data Protection Act 1988 (section 29, [legislation.gov.uk](http://legislation.gov.uk)) contains an exemption which allows for public bodies to disclose personal information where not doing so is likely to inhibit either:
- The prevention or detection of a crime
  - The apprehension and prosecution of offenders

Schools, as data controllers, must abide by the principles of the Data Protection Act 1988.

## 6. Equality Issues

6.1.1 All staff should adhere to Just Learn Independent School's Equal Opportunities Policy, in addition to the requirements of the law.

- Staff should not discriminate in recruitment and employment practices, nor in the delivery of the service
- Staff should also ensure that their dealings with parents/carers and other members of the public are efficient and impartial to all individuals.

## 7. Employment Matters

7.1.1 All staff involved in appointments and/or tendering process should ensure that these are made on the basis of merit.

- staff should not be involved in an appointment or decisions relating to discipline, promotion or pay adjustments for any individual who is a relative or with whom they are in a close personal relationship
- all relationships of a business or private nature with external contractors, or potential contractors should be made known to the Proprietor

## 8. Public Duty and private interest

8.1.1 It is important that staff do not put themselves in a position where their duty to Just Learn Independent School and their private interests' conflict.

Staff should not allow their own personal or political opinions to interfere with their work and the provision of a balanced and professional service, ensuring that they work to the professional standard required.

## 9. Associated Work

9.1.1 If you choose to take up additional self-employment this shall be accepted by the school unless such additional employment is felt to have an adverse effect on the performance of your normal duties with the school.

## 10. Dress and Appearance

10.1.1 The school wants to be seen as a professional and successful services environment. Employee's appearances contribute to Clients and Students impressions. It is important therefore that all employees dress in an appropriate manner at all times.

- Your dress code is to be wearing formal, casual type clothing.

## 11. Smoking

11.1.1 Smoking in all areas of the school premises is illegal and strictly forbidden. Warning notices are displayed and failure to comply with this instruction may lead to disciplinary action.

## 12. Personal Mobile Phones

12.1.1 The use of mobile phones whilst on the school's premises would be reasonable and **must not** be used when tutoring. Any misuse or abuse of this during working hours could lead to disciplinary action.

## 13. Financial Inducement. Gifts and sponsorship

13.1.1 Staff should not give or receive gifts from students or parent/carers on a regular basis or of any significant value. It is acceptable however, for staff to receive small tokens of appreciation, such as at Christmas time.

- staff should ensure that gifts are declared if received
- staff should generally only give gifts to an individual young person as part of an agreed reward system
- where staff do give gifts, they should ensure that they are of insignificant value and are given to all students equally

## 14. Use of company property

14.1.1 Should you be issued with any equipment in order for you to perform your duties, for example: Academic resources, stationery, computer equipment, ID cards, fobs, keys and other property, such items shall at all times remain the property of the school and upon request of the school shall be returned to the school in the same condition.

14.1.2 The school's equipment is only to be used for the school purposes.

14.1.3 On termination of your contract of self-employment, for whatever reason, must return to the school all the property of the school then in your possession or power.

## 15. Infatuations

14.1.1 In cases where a young person develops an infatuation, there is a high risk of words or actions being misinterpreted and for allegations to be made against staff. Staff should report to a senior colleague and clear/apparent indications (whether they are verbal, written, including the use of social media, or physical) that suggest a student may be infatuated with them and respond sensitively to such situations in order to maintain the dignity of all parties.

## 16. Social Contacts

16.1.1 Staff should not establish or seek to establish social contact with students to secure or strengthen a friendship. This includes giving any personal details to a student such as a home/mobile phone number, home or email address. Only in exceptional circumstances can this be done with the prior approval of a senior member of staff.

- Do not give out personal details such as home/mobile numbers, home/email address to students
- Staff should always approve any planned social contact with students with senior colleagues, for example when it is part of a reward scheme or pastoral care programme
- Staff should advise senior management of any regular social contact they have with a student, which may give rise to concern.

## 17. Physical Contact

17.1.1 It is unrealistic to suggest that teachers should never touch students. There are occasions when it is entirely appropriate and proper for staff to have physical contact with students, such as when a distressed student needs comfort and reassurance. (see also behaviour management, section 18).

However, innocent actions and appropriate physical contact can often be misconstrued and it is therefore crucial that staff only initiate physical contact for the minimum time necessary and in ways appropriate to their own role and the needs of the child.

17.1.2 Staff should use their professional judgement at all times. Where feasible, staff should seek the child's permission before initiating contact. Where a member of staff thinks that an incident could have been misinterpreted it should be reported to the Head of School.

17.1.13 Extra caution may also be required where it is known that a child has suffered previous abuse or neglect. Many such children are often needy and seek out inappropriate contact, thereby leading staff to be vulnerable to allegations of abuse.

In this regard, staff 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 explain to a student the reason why contact is necessary and what form that contact will take;
- look at alternatives, where it is anticipated that a student might misinterpret contact and consider involving another member of staff, or a less vulnerable student in a demonstration;
- never indulge in horseplay, tickling or fun fights;
- always tell a colleague when and how they offered comfort to a distressed child and record any situations, where they think they may give rise to concern;
- adhere to the school's physical intervention policy and be acquainted with DfES Guidance in respect of physical contact with students and meeting the medical needs of children and young people in school.

## 18. Behaviour management and physical intervention

18.1.1 Corporal punishment is unlawful in all schools and physical force should never be used as a form of punishment; to do so is likely to constitute a criminal offence.

18.2.1 However in some circumstances, staff in schools have the right to use physical intervention/reasonable force for the shortest period necessary to control or restrain students. The Education and Inspections Act 2006 provides the legal power for school staff to use reasonable force to prevent students from committing a crime or causing injury, damage or disruption.

- staff should try to defuse situations before they escalate;
- staff should keep parents informed of any sanctions;
- staff should adhere to Just Learn Independent School's policies on Behaviour Management and Safe Handling ;
- where it is identified that staff are likely to have to restrain on a regular basis they should have received appropriate training.

## 19. Sexual contact with children and curriculum issues

19.1.1 It is a criminal offence for any adult in a position of trust to engage in any form of sexual activity with a young person under 18, even with their consent (Sexual Offences Act 2003). This also includes non-contact activities such as causing children to engage in or watch sexual activity.

19.1.2 There may be occasions when, as part of the curriculum, a teacher has to raise subject matter that is sexually explicit. In such situations, any lesson plan should highlight the areas of risk and sensitivity. Staff should respond to questions with careful judgement and avoid entering into inappropriate or offensive discussions about sexual activity.

In this regard, staff should not:

- use their status and standing to form or promote relationships with students, which are of a sexual nature;
- pursue sexual relationships with children and young people either in or out of school;
- enter into or encourage inappropriate or offensive discussion about sexual activity;
- make sexual remarks to a student (including email, text messages, phone or letter), or use any communication which could be interpreted as sexually suggestive or provocative;
- discuss their own sexual relationships with, or in the presence of students;
- discuss a student's sexual relationships in inappropriate settings or contexts;
- confer special attention and favour upon a child which might be misconstrued as being part of a 'grooming' process.

## 20. Transporting children

20.1.1 In such cases where students need to be transported between different locations, a designated member of staff should be appointed to plan and provide oversight of all arrangements. A risk assessment is also required to be completed.

20.1.2 Wherever practicable, an adult additional to the driver should act as an escort and all arrangements agreed with relevant parties in advance.

All staff:

- should avoid using private vehicles wherever possible;
- must ensure that they have the appropriate insurance (for business use) where they do have to use their private vehicle;
- should ensure that they are alone with a student for the minimum time possible;
- should be aware that the safety and welfare of the student is their responsibility until this is safely passed over to a parent/carer;
- should report the nature of the journey, the route and expected time of arrival in accordance with agreed procedures;
- should ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety, considering any specific needs that the student may have.

## 21. Educational visits and after school clubs

21.1.1 Any Educational Visit needs to be conducted in accordance with Just Learn's School Visits/Journeys Policy.

21.1.2 Staff should always take care to have another adult present during out of school activities, unless otherwise agreed with senior staff. Health and safety requirements should be strictly adhered to.

21.1.3 Staff should ensure that they display professional behaviour during activities that take place off the school site and ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship. Staff should therefore maintain a professional relationship with students at all times.

In this regard, staff should therefore:

- complete all relevant paperwork including risk assessments;
- have parental consent to the activity;
- ensure that their behaviour remains professional at all times.

## 22. First aid and administration of medication

22.1.1 In cases where first aid or medication needs to be administered, all staff should adhere to Just Learn Independent School Health and Safety policy

22.1.2 A health care plan should be drawn up in circumstances where the child needs to take regular medication and any such agreement between the child, parents/ carers and the school must be negotiated, agreed and recorded.

22.1.3 Where possible, children should be encouraged to administer the medication themselves, with the permission of parents/carers.

Staff should:

- make other staff aware of the task being undertaken

## 23. Photography, videos and other creative arts

23.1.1 Many school activities involve recording images, but the use of such images needs careful consideration and handling. In particular, children who may have been abused in this way may feel threatened by the use of photography and filming.

23.1.2 The use of any images of children for publicity purposes will also require the appropriate consent of the individual concerned and their legal guardians.

Staff should therefore:

- be clear about the purpose of the activity and about what will happen to the photographs when the lesson or activity is concluded;
- ensure consent is gained from the student and their legal guardians where being used for publicity purposes;
- 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 students in their possession;
- never use mobile phones to take images;
- avoid making images in one to one situations.

## 24. Internet use

24.1.1 Accessing child pornography or indecent images of children on the computer is illegal. Under no circumstances should adults in schools access inappropriate images on the internet. The same rule applies to the use of the school's equipment by members of staff at home, e.g. use of laptops. Staff should follow the school policy on the use of IT equipment.

## 25. Whistleblowing

Staff who raise concerns about malpractice within their place of work have statutory protection against victimisation for making such a disclosure, under the Public Interest Disclosure Act 1998, and the subsequent Enterprise and Regulatory Reform Act, which was enacted in June 2013. The worker must reasonably believe the disclosure to be in the public interest, and it must otherwise qualify as a protected act.

## 26. Grievance Procedure

We are committed to dealing with grievances fairly and objectively. Employees will be protected from discrimination or victimisation after raising a work-related grievance.

### 4.1 Informal stage

In the first instance, we will aim to resolve an employee's grievance informally with their line manager. If the member of staff's concerns relate to their line manager they should discuss the issue with the line manager's manager.

It may be necessary for the member of staff who has raised a grievance to attend a meeting to discuss the concerns in more detail. However, this will be determined on a case-by case basis.

### 4.2 Formal stage

If it is not possible to resolve the matter informally, employees should set out their grievance in writing to their line manager. If the subject of the grievance is the line manager, the employee should submit the written grievance to an alternative, preferably senior, manager.

Upon receipt of a grievance, an investigating officer will be appointed. This will be an independent individual with no prior knowledge of the complaint.

A grievance panel will also be appointed. This group of people will be separate from the investigating officer and will be chaired by an independent individual, with no prior knowledge of the complaint.

The investigating officer will undertake a grievance investigation and will make a recommendation.

A formal meeting will be arranged within 10 working days after the grievance has been raised. At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved.

Senior members of staff and independent bodies that will sit in on the panel are Sandy Waugh (education consultant), Munier Jussab (centre director), Shaila Osman (head of school).

Employees have a statutory right to be accompanied by a companion at a grievance meeting. The companion must be a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

#### **4.3 Deciding on appropriate action**

The meeting will be adjourned and the grievance panel will reflect on it before coming to a decision.

This decision will be communicated to the employee in writing within 5 working days. It will set out the action that will be taken to resolve the grievance. It will also inform the employee that they can appeal if they are not satisfied with the outcome, and explain how to do this.

#### **4.4 Appeals**

If the employee is not satisfied with the outcome of the grievance they have the right to appeal the decision.

The employee should set out their grounds of appeal in writing as soon as possible and submit this to Zarah Gadatara (Deputy Director).

A grievance appeal panel will be appointed. This will be a group of people independent from any previous stage of the grievance procedure.

Appeals will be heard without unreasonable delay. Employees will be told the time and place of the appeal meeting in advance.

Employees have the same statutory right to be accompanied to the appeal meeting by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

The outcome of the appeal will be confirmed in writing to the employee within 5 working days.

**Reference:**

All members of staff must read DFE Keeping Children Safe in Education, September 2018 (Parts 1 and Part 5)

Policy reviewed: August 2017 – No changes made

Next update: August 2018 – Amendment made to the academic year. Reference to the change in Part 1 and part 5 of KCSIE, September 2018.

Next update: August 2019

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