

**Truro and Penwith  
Academy Trust**

# **Staff Code of Conduct Policy**

## **Review Summary**

<b>Approved By:</b>	<b>Trust Board</b>
<b>Approval Date:</b>	<b>October 2021</b>
<b>Last Review Date:</b>	<b>October 2021</b>
<b>Next Review Date:</b>	<b>October 2024</b>

## **Staff Code of Conduct - Good Practice Guidelines for all Staff**

### **1 INTRODUCTION**

- 1.1** Truro and Penwith Academy Trust expects high standards and professional behaviours from all staff at all times. All staff should be aware of the Code of Conduct and at all times use them as guidelines. 'Staff' applies to all persons employed within the schools, as paid members of staff (on permanent, temporary and casual contracts) and to all volunteers.
- 1.2** These guidelines are designed to protect staff from misunderstandings in their professional relationships with stakeholders and from possible allegations or complaints that might arise as a consequence.
- 1.3** Any relationship between staff, students, suppliers or any other stakeholder that may potentially bring the Trust into disrepute, or impact on a member of staff's ability to effectively carry out their role, must be notified to the respective line manager or Head of School with immediate effect.
- 1.4** This Code of Conduct should be read in conjunction with other relevant documents and Policies including the Disciplinary and Grievance Procedures. Failure to comply with 1.3 above may lead to an investigative/ disciplinary hearing that may lead to dismissal.
- 1.5** Many of the principles of this Code of Conduct are based on the Teachers Standards. The Trust expects all Teachers to adhere to these standards at all times. The professional standards of conduct embodied within the Teacher Standards apply to other roles within the school.
- 1.6** This Code of Conduct should be read in accordance with the statutory safeguarding guidance Keeping Children Safe in Education, the Trust Safeguarding Policy, The Prevent Policy, the Social Media Policy and the Acceptable Use Policy.

### **2. PURPOSE**

- 2.1** The purpose of this Code is to ensure that all Trust staff adhere to behaviour that models the highest possible standards for pupils in our schools. As a member of a school community, each employee has an individual responsibility to maintain and protect their reputation and the reputation of their school and the Trust, whether inside or outside working hours. Conduct out of school which is detrimental to the reputation of the school and Trust, or which affects the ability of a member of staff to carry out their role and responsibilities, may result in disciplinary action and could lead to dismissal.

### **3. SAFEGUARDING**

- 3.1** Staff have a duty to safeguard pupils from harm, and to report any concerns they have about children in line with Safeguarding Policy and procedures. This includes physical, emotional and sexual abuse, and neglect. All staff must be familiar with the Trust Safeguarding Policy, and the Prevent Policy. Details of Safe Working practices are shown at Appendix A.
- 3.2** **Low-level concerns about members of staff**

A low-level concern is any behaviour towards a child by a member of staff that does not meet the harms threshold, is inconsistent with this staff code of conduct, and may cause a sense of unease or a 'nagging doubt'.

All staff are required to report low-level concerns to their Headteacher. The Trust encourages staff to self-refer to their Headteacher if they find themselves in a situation that could be misinterpreted as a low level concern. If staff are not sure whether behaviour would be deemed a low-level concern, then it should be reported as a low level concern and the Headteacher will then decide what action is required. All reports will be handled by the Headteacher in a responsive, sensitive and proportionate way. Unprofessional behaviour will be addressed, and the staff member offered appropriate and reasonable support to correct their conduct, at an early stage. This approach creates and embeds a culture of openness, trust and transparency in which our values and expected behaviour are constantly lived, monitored and reinforced by all staff. As such, the Trust's approach to managing low level concerns is a key part of our approach to keeping children safe and to minimising the risk of abuse. Reporting and responding to low-level concerns is covered in Appendix B.

## **2 STAFF-PUPIL RELATIONSHIPS**

- 2.1** The Trust values strong professional relationships between staff and students. These are heavily reliant on mutual trust and confidence, and can be jeopardised when a member of staff enters into any relationship with a student which is deemed to be inappropriate. Inappropriate relationships can erode professionalism and are an abuse of power.
- 2.2** Staff must not enter into any relationship or indulge in any behaviour with a pupil which is likely to bring the Trust into disrepute. In particular, sexual relationships with students are expressly prohibited and, if proven to be taking place, will be treated as gross misconduct.
- 2.3** Staff will observe proper boundaries with pupils that are appropriate to their professional position. They will act in a fair and transparent way and if staff and pupils must spend time one to one, staff must ensure that;
  - This takes place in a public place/room that others can access
  - Others can see into the room
  - A colleague, line Manager or Headteacher knows this is taking place

Actions such as the inappropriate sharing of jokes or humour, favouritism of one child over another, physical contact between staff and students and giving or receipt of gifts are likely to give rise to concerns that professional boundaries were not being maintained. In these circumstances staff are at risk of a perception of inappropriate relationships, low level concerns and, as a result, disciplinary action.

- 2.4** Staff should avoid contact with pupils outside of school hours if possible, and personal contact details should not be exchanged between staff and pupils unless it is agreed by the Headteacher or Line Manager that this is required for extra-curricular activities. This includes the use of personal email accounts and social media. For the purpose of clarity, no member of staff should have contact with a pupil (up to the age of 18) via a personal email account or personal social media account unless this has been authorised, in advance, by the Headteacher.

## **3. RELATIONSHIPS BETWEEN MEMBERS OF STAFF**

- 3.1** Where relationships occur between members of staff, it is in their interests and the Trust's to ensure they deal appropriately with potential conflicts of interest or possible disruption to working arrangements with colleagues or pupils. Broadly, members of staff should not engage in any behaviour

which is likely to bring the Trust into disrepute or have a serious adverse effect on peer activities, student tuition, pastoral matters, or other aspects of Trust life.

- 3.2** Some types of activity, such as inappropriate physical contact between members of staff in work, could result in Disciplinary action and could be considered gross misconduct. It is also conceivable that colleagues may feel compromised and may implement the Grievance Procedure against individual members of staff, if they felt disadvantaged or impacted by the consequences of inappropriate behaviour.

#### **4. GENERAL ISSUES - GUIDELINE TO INAPPROPRIATE BEHAVIOUR**

- 4.1** All staff are required to note the requirements below for conduct and this includes newly employed staff who must read this Code of Conduct as a priority when beginning their contract of employment. Staff should also take note of the Safeguarding Appendix – Safe Working Practices, found later in this document. This will ensure that all staff involved in the provision of teaching and learning are clear about boundaries and expectations.
- 4.2** Language - staff should refrain from using inappropriate, foul and abusive language. This type of language used in an aggressive, insulting or offensive manner will lead to disciplinary action. The use of language which is racist, sexist, homophobic, transphobic or biphobic or discriminatory on the grounds of these or any other protected characteristic may be considered as gross misconduct and could lead to dismissal.
- 4.3** Avoid physical contact with students and colleagues - even what is meant as a comforting gesture may be misconstrued and could lead to an allegation of harassment or misconduct.
- 4.4** Personal telephone numbers – staff must not share personal telephone number with students.
- 4.5** Favouritism – it is important that all staff are seen to treat all students consistently and with equity. Avoid circumstances where it might appear to give anyone undue attention. This does not mean that staff cannot give extra time to a pupil where the situation merits it.
- 4.6** Confidential personal information relating to a student is not to be taken off the school site without the prior agreement of the Headteacher.
- 4.6** Tutorials and other one-to-one contact tutorials should always be on Trust premises or, in the case of offsite learners, at a venue that has been pre-agreed and notified to the line manager. Apart from the fact that staff could be laying themselves open to the possibility of false allegations, there are insurance issues to consider. Residential trips are an obvious exception to this and where they are concerned, staff are advised to follow the same guidelines as those shown below for any one-to-one meetings.
- Make sure that a colleague knows when a one-to-one session is taking place. A list of dates, times and names on the door of the room makes an obvious public statement.
  - Where possible, carry out one-to-one sessions with the door open.
  - If this is not appropriate, perhaps because the pupil is distressed, or the matter being discussed is confidential, it is especially important to make sure a colleague knows that the session is taking place and/or to put a notice on the door.
  - Where there is an “emergency” tutorial with a student and it may not be possible to notify a colleague, put a notice on the door indicating that a tutorial is taking place.

## **5. BOUNDARIES**

- 5.1** Tutoring – good tutoring, like good counselling, is about listening to the learner and not talking about personal experiences. Personal disclosures are inappropriate and may wrongly be taken to imply intimacy. Tutors sometimes feel that sharing common experiences is helpful, but – “I know how you feel, when I was at school I had difficulty meeting deadlines” or “I understand what you are going through, I had a sick parent myself”, are inappropriate.
- 5.2** Best practice in counselling/tutoring is to aim for empathetic listening without such disclosures as they tend to move the focus from the learner to the tutor. At times it is appropriate to ask questions, but not of the kind which the learner might perceive as “prying”. Learners have a right to privacy.
- 5.3** There will be times when a pupil has personal problems which are significant and may prevent the learning experience from being valuable or even attainable by the student. When this type of situation occurs i.e. a serious problem for which the pupil actively seeks help, staff should refer to the Designated Safeguarding Lead as appropriate.

## **6. THE LAW/COMPLAINTS**

- 6.1** Members of staff should not knowingly be party to learners under 18 drinking and/or purchasing alcohol on licensed premises.
- 6.2** The legal implications of any activity need to be taken into account. As a member of staff, employees may be open to a variety of allegations/complaints. To avoid this, staff must bear the advice in these guidelines in mind. For the same reason staff are required to keep records of tutorials and other key meetings.
- 6.3** If a member of staff is concerned about any of the issues raised here, or wants to discuss a particular situation, please refer to the Headteacher or line manager.

## **7. CONSEQUENCES OF ALLEGATIONS AGAINST STAFF**

- 7.1** The Trust has a duty of care to its member of staff and also has clearly defined responsibilities to its students.
- 7.2** Allegations against staff may result in the use of the Disciplinary Procedure and/or other related procedures as shown above in 1.4.
- 7.3** The possibility of procedures being specifically activated in response to complaints or allegations will be dependent on the nature of the complaint and the way it is presented.
- 7.4** If an allegation is made by a pupil without reference to a specific Trust procedure or process, then in the first instance it will be investigated by the Headteacher (or this responsibility delegated by the Headteacher to a suitable senior or safeguarding leader or line manager). If any of the above are implicated in the complaint, alternative investigating officers will be appointed.
- 7.5** The member of staff against whom the complaint is made will be presented with full details of the complaint made, and will be barred from any contact with the pupil while the investigation continues. The investigating officer will be responsible for deciding whether there is a complaint to answer and what the remedy, if proven, will be. This may include disciplinary action if appropriate.

**7.6** The establishment of an investigation team on this basis is designed to protect the interests of the member of staff as well as the Trust's position and the student. Therefore, all statutory obligations to member of staff will be safeguarded and there will be no presumption of guilt or of an act of commission or omission that might jeopardise the member of staff or the Trust position. The duty of care the Trust has to the member of staff will be an important feature of the conduct of the investigation, as will the obligations the Trust has towards its Students.

## **8. GIFTS AND CORPORATE HOSPITALITY**

**8.1** Members of staff must familiarise themselves with the Trust Gifts and Hospitality Policy, the Trust Anti-Fraud and Corruption Policy and the Trust Anti-Bribery Policy. Any significant gifts and/or hospitality must be reported to the Headteacher.

## **9. PROFESSIONAL AND SOCIAL NETWORKS**

**9.1** It is essential that Trust Staff who use professional and social network services such as Facebook, Twitter, LinkedIn or similar do so in a way that protects themselves, other staff and Students and the Trust from reputational damage and allegations of misconduct. Staff must be aware that interactions with Students through professional and social networks are subject to the same need to have regard to safeguarding as any other interaction, and, subject to the same need to behave in such a way as not to bring the Trust into disrepute.

**9.2** Trust staff must not offer or accept Facebook/social network friendship requests on their personal accounts from current Students, or, ex-Students who are under 18 or vulnerable adults.

**9.3** The guidelines in 9.1 and 9.2 above and other guidelines within the Staff Professional Code of Conduct should be read in conjunction with the Trust Social Media Policy and the Prevent Policy.

## Safeguarding – Safe Working Practices

### Underpinning Principles

- The welfare of the young person is paramount.
- All Staff have a responsibility to safeguard and promote the welfare of young people. Failure to do so may be regarded as neglect and subject to disciplinary action and may lead to dismissal.
- Staff must always be seen to work in an open and transparent way.
- Staff must always apply the same professional standards regardless of culture, disability, gender, language, race, religious belief and / or sexual identity. Discrimination, harassment or abuse of any kind, on the basis of protected characteristics is unacceptable and will not be tolerated.

### Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour in all circumstances. There may be occasions or circumstances where a member of staff feels that they have to take decisions or actions in the best interest of the young person which contravene this guidance or where no specific guidance exists. If so:

- Staff should always consider whether their actions are warranted, proportionate and safe and applied equitably.
- Staff should always record their actions and the reasons for them and share these with their line manager or Headteacher as soon as possible after the event takes place.

### Confidentiality

As part of a role, staff may be given or have access to highly sensitive or private information about a young person. This information must be kept confidential at all times and only shared when it is in the interests of the young person to do so. Accordingly:

- Staff must not use this information to intimidate, humiliate or embarrass the young person.
- In the event of receiving a disclosure of a safeguarding nature, staff must not promise to keep the information confidential.
- Where possible, staff should seek the consent of the young person before passing on confidential information.
- If a member of staff is in doubt about whether a confidence should be passed on, seek guidance from a member of the safeguarding team.

### Power and Position of Trust

By virtue of their role at the Trust, staff will be viewed as occupying a position of trust in relation to Students. This cannot be a relationship between equals, and all staff have a responsibility to ensure that this unequal balance of power is not used for personal advantage or gratification. Accordingly:

- Staff must not use their position to intimidate, bully, humiliate, threaten, coerce or undermine young people.
- Staff must not use their status to form or promote relationships which are of a sexual nature, or which may become so.

### Propriety and Behaviour

All adults working with young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of Students. It is therefore expected that they will adopt high standards of personal conduct both in and out of work. If actions in their personal life come under scrutiny from local communities, the media or public authorities, this may compromise their position in the workplace or indicate an unsuitability to work with young people (e.g. where misuse of drugs or alcohol or acts of violence are concerned). Accordingly:

- Staff must understand and be aware that they must use judgement and integrity about behaviours in places other than just the work setting.
- Staff must not behave in a manner which would lead any reasonable person to question their suitability to work with young people.
- Staff must not behave in a manner which would be contrary to the guidelines contained in the Prevent Policy and should report to the Safeguarding Lead any concerns about the radicalisation of Students or staff or any instances of extremism, in line with the Prevent Policy.

### Dress and Appearance

Dress and appearance are matters of personal choice and self-expression. However, it is important to dress in ways that are appropriate to role and to tasks undertaken. Staff who dress in a manner which could be considered inappropriate could render themselves vulnerable to criticisms or allegations. Accordingly:

- Staff must not wear clothing which is likely to be viewed as offensive, revealing, or sexually provocative.
- Staff must not wear clothing which is likely to distract, cause embarrassment or give rise to misunderstanding.
- Staff must not wear clothing which has overtly political or otherwise contentious slogans.

Where a school has a Staff Dress Code, all members of staff within the school are expected to comply with this dress code.

### Personal Living Space

No student should be invited into the home of a member of staff, and no member of staff should enter the home of a student unless reason for this has been firmly established beforehand with the Headteacher and the parent/carer. Accordingly:

- Staff are responsible for being vigilant in maintaining their privacy and avoiding placing themselves in a vulnerable situation.

### Gifts, Rewards and Favouritism

The giving of gifts or rewards to students should always fall under the Trust's arrangements for supporting positive behaviour or recognising particular achievements. Methods and criteria for selection should always be transparent and subject to scrutiny. Care should also be taken to ensure that staff do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment. Accordingly:

- In general, staff should only give gifts to an individual young person as part of an agreed reward system.
- Staff should ensure that all selection processes concerning young people are fair and wherever practical involve other members of staff.

### Infatuations

Occasionally a young person may develop an infatuation with an adult who works with them. Such infatuations need to be dealt with sensitively and carry a high risk of words or actions being misinterpreted. Accordingly:



- Staff must report to the DSL any indications (verbal, written or physical) that suggest that a young person has developed an infatuation with any member of staff.
- Staff must always acknowledge and maintain professional boundaries in their relationships with students.

### Communication with young people

Communication with young people must take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, text messaging, e-mails, digital cameras, web cams, personal websites and social networking sites. Accordingly:

- Staff must not give personal contact details, including mobile phone number, to a student unless this has been authorised in advance by the Headteacher.
- Staff must only use Trust equipment (including mobile phones) for professional reasons.
- Staff must not use internet based social networking sites or forums to send personal messages to a student.
- Staff must report to the Safeguarding Lead any concerns about the radicalisation of Students or staff or any instances of extremism, in line with the Prevent Policy.

### Photographs

- Photographs or moving images may be taken of Students only if justified as relevant / necessary to their course or school events/activities.
- Consent must be obtained from parents before displaying such images.
- Images should not be stored after their reproduction for display purposes.
- Images should not be posted onto personal or social media websites.

### Social Contact

Adults who work with children should not seek to have social contact with them or their families unless there is a clear professional justification for this. Where this may be the case staff should take care to maintain appropriate personal and professional boundaries. This also applies to social contact made through interests outside of work or through family or personal networks. Accordingly:

- Staff must have no secret social contact with students.
- Staff must consider the appropriateness of any social contact and ensure that any planned social contact is discussed with the Headteacher in advance and authorised for educational purposes.

### Sexual Contact

Intimate or sexual relationships between staff and students will be regarded as a grave breach of trust. Any sexual activity between a member of staff and a student may be regarded as a criminal offence and will always be a matter for disciplinary action. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable and a grave breach of trust. Sexual activity does not just involve physical contact, it includes penetrative and non-penetrative acts. It may also include causing young people to engage in or watch sexual activity or the production of pornographic material. Accordingly:

- Staff must not have sexual relationships with a student.
- Staff must not have any form of communication with a student which could be interpreted as sexually suggestive or provocative, i.e. verbal comments, letters, notes, e-mails, texts, phone calls or physical contact.
- Staff must not make sexual remarks to or about a student.

- Staff must not discuss their own sexual relationships with or in the presence of students.

### Physical Contact and Intervention

In general staff should avoid physical contact with students, unless such contact is clearly linked to a professional role and within parameters of established and agreed protocols, e.g. sports activities or medical procedures.

If physical contact is required, it should never be secretive and should take place in a safe and open environment. In the context of challenging behaviour on the part of a student, physical intervention should only be used in exceptional circumstances, if it is necessary to prevent personal injury to the child, or to others, and be proportionate.

Accordingly:

- Staff must not touch a student unless clearly linked to a professional role and deemed necessary for health, safety and wellbeing reasons.
- Staff must understand that physical contact in some circumstances can be easily misinterpreted.
- Staff must always try to defuse situations before they escalate.
- Staff must report (as soon as possible after the event) any incident where physical intervention has been used to the Headteacher.



## Low-Level Concerns Guidance

### 1. Introduction

- 1.1 Truro and Penwith Academy Trust expects high standards and professional behaviours from staff at all time. All staff should be aware of the TPAT Staff Professional Code of Conduct and at all times use this as guidelines. These guidelines are designed to protect staff from misunderstandings in their professional relationships and from allegations that might arise as a consequence.
- 1.2 The Trust takes the safeguarding of all children and young people very seriously, and we expect that all adults working as employees, volunteers, agency staff or contractors will do so in a way that is in accordance with the ethos and policies of the school, including the Staff Code of Conduct and the Safeguarding Policy. Any relationship between staff, students, suppliers or any other stakeholder that may potentially bring the Trust into disrepute, must be notified to the respective line manager with immediate effect.
- 1.3 This guidance sets out the detail and processes for any employee to raise any low-level concerns they may have about any adult working in the school.
- 1.4 Any adult working in the school must make a self-referral to the Headteacher if they believe that they have acted inappropriately or believe that their actions or behaviour could be misconstrued.

### 2. Keeping Children Safe in Education

#### 2.1 The following is taken from Keeping Children Safe in Education September 2021.

##### ***What is a low level concern?***

407. *The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out at paragraph 338. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:*

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

408. ***Examples of such behaviour could include, but are not limited to:***

- *being over friendly with children;*
- *having favourites;*

- *taking photographs of children on their mobile phone;*
- *engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or, using inappropriate sexualised, intimidating or offensive language.*

409. *Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.*

410. *It is crucial that any such concerns, including those which do not meet the harm threshold (see Part Four - Section one), are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.*

### **3. Reporting Low-Level Concerns and follow-up information**

3.1 All low level concerns must be reported to the Headteacher (not the DSL). The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Head Teacher or those aware in the senior leadership team.

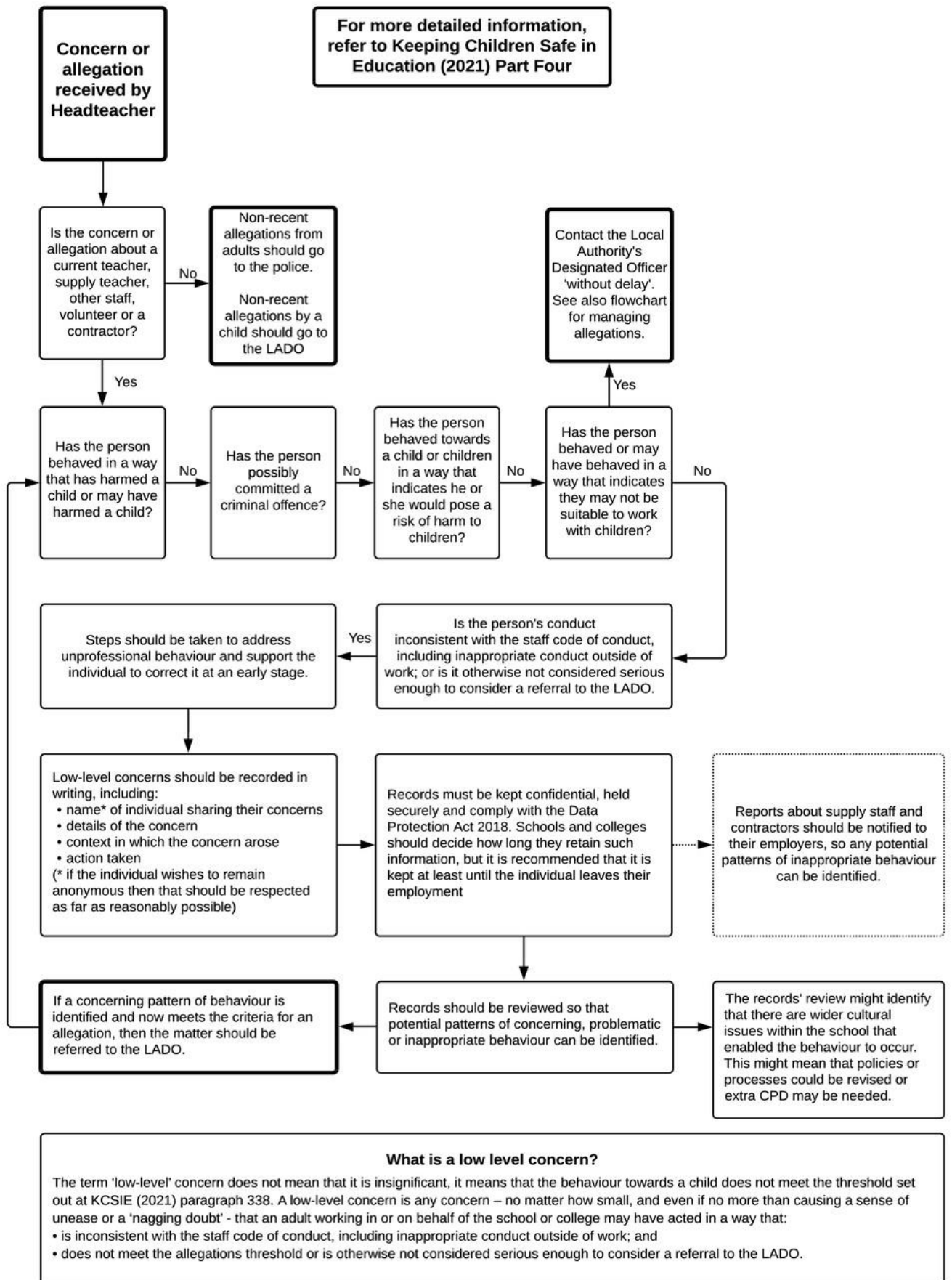
3.2 The employee raising the concern should contact the Headteacher and explain that they wish to raise a low level concern.

**3.3 The Headteacher will meet with the employee at their earliest convenience and will treat the matter seriously. At the meeting the Headteacher will record the conversation on the Low Level Concerns form attached to this guidance.**

3.4 Low-Level Concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures.

3.5 When staff leave, any record of low-level concerns which are stored about them will be reviewed as to whether or not that information needs to be kept. Consideration will be given to:

- (a) whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or
- (b) if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.





## **Low-Level Record of Concern regarding an adult in the school**

Please use this form to record the discussion relating to any concern – no matter how small, and even if no more than a ‘nagging doubt’ – that an adult may have acted in a manner which:

- is not consistent with the TPAT Staff Professional Code of Conduct, and/or;
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult’s suitability to work with children.

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**Name of Headteacher recording this concern:**

**Name of adult raising the concern:**

**Name of adult whom this concern is about:**

**Date of meeting:**

**Signatures of Headteacher and adult raising concern:**

**Please write a summary of the discussion including the specific concerns and any action taken below (continue overleaf)**

You should provide a concise record – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s) (and please use a separate sheet if necessary). Consider any contextual information that may be appropriate to know.