

Guidelines for the avoidance of unnecessary contact and allegations

Allegations are made by children against staff working in schools from time to time. Some of these allegations are true, some are essentially true but exaggerated, some are mistaken and some are malicious. In an environment in which the conduct of adults towards children comes under more and more scrutiny in the interests of protecting children, all employees in schools need to be aware that their actions or conduct may lead to formal investigations taking place under child protection procedures and this could in turn have implications for their employment records and future careers even where those concerns have not been substantiated.

Working with young people brings demands and challenges. There are also great rewards, not least of which are the good personal relationships, which help the growth and development of those young people. In a very small number of cases, things can go wrong. Allegations against staff are rare, but the damage to all concerned is so great that **all staff must be aware of the issues and think carefully about their conduct so that misinterpretations can be minimised.** It is not possible to prescribe courses of action for every circumstance but employees should observe these guidelines in the conduct of their work with young people.

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Trust

Power and Positions of Trust

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 (Sexual Offences Act 2003)

As a result of their knowledge, position and/or the authority invested in their role, many adults working with children and young people in education settings are in positions of trust in relation to the young people in their care, where they have direct unsupervised access to children. 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.

Staff must avoid behaviour which might be misinterpreted by others, and Headteachers should record any incident with this potential and take measures to ensure such behaviour is not repeated.

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, must 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. Staff must also ensure that boundaries are maintained.

Social Contact

Staff must not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this occurs coincidentally, the member of staff must exercise her/his professional judgement in making a response and be aware that such social contact could be misconstrued.

Staff must not give their personal details such as home/mobile phone number or home or e-mail address to pupils **unless the need to do so is agreed and formally recorded with senior management.**

Internal e-mail systems must be used only in accordance with school policy. Use of texting as a means of communication with pupils is strongly discouraged as this may indicate an unprofessional relationship with a pupil.

Care

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.

This is a complex area and staff must have regard to current DfE and Local Authority guidance.

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 and lead to potential dismissal.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions must be documented and reported promptly.

Physical Contact and Personal Care

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 and responsibilities.

Personal Care

All children have a right to safety, privacy, respect and dignity when contact of a personal 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. Staff should not assist with any personal care task which a child is able to undertake themselves.

When assistance is required, staff must make another member of staff aware of the task to be undertaken.

Some job responsibilities necessitate intimate physical contact with children on a regular basis (for example the provision of medical care, physiotherapy, or toileting). A care plan should be drawn up and agreed with parents/carers for all children who require intimate care on a regular basis, with the views of the child actively sought wherever possible. The nature, circumstances and context of such physical contact should comply with the agreed plan, which should be regularly reviewed.

When personal care is being carried out, all children have the right to dignity and privacy i.e. they should be appropriately covered, the door closed or screens/curtains put in place. The number of adults engaged in the care should only reflect the minimum needed to perform the task safely and respectfully.

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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. Issues relating to gender, culture and religion should also be taken into account in all actions and in making care plans. As with all arrangements for intimate care needs, agreements between the child, their parents/carers and the organisation must be negotiated, agreed and recorded. In addition, the views and/or emotional responses of children with special educational needs, regardless of age and ability must be actively sought in regular reviews of these arrangements.

A 'no touch' approach is impractical for most staff and may 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 given their age, stage of development, gender, ethnicity and background. Appropriate physical contact in schools may occur most often with younger pupils.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Staff should therefore, use their professional judgement at all times and act in accordance with the school's behaviour management and restraint policy.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible in the school's incident book and, if appropriate, a copy placed on the child's file.

Physical contact, which occurs regularly with an individual child or young person, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. Where feasible, staff should seek the child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or feelings and – so far as is possible – use a level of contact which is acceptable to the child for the minimum time necessary.

Specific attention should be paid to gender, culture and religious issues for children and their views should be sought about their preferences in relation to staff who are required to assist with personal care.

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 the child feeling anxious or upset. This may also lead to staff being vulnerable to allegations of abuse. It is recognised that many such children are extremely needy and seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively by helping them to understand the importance of personal boundaries.

The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each child. Children with special needs may require more physical contact to assist their everyday learning. The arrangements should be

understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

Curriculum

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, taking particular account of religious, culture and gender issues.

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

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

Individual children may indicate their discomfort with specific materials and should be allowed to refrain from reading aloud and acting out parts of a play that they find sensitive, even if it is deemed appropriate for the class.

Educational Visits and After School Clubs etc

Staff must take particular care when supervising pupils in the less formal atmosphere of a residential setting or after-school activity.

During school activities that take place off the school site or out of school hours, a more relaxed discipline or informal dress and language code may be acceptable. However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship. Clear boundaries must be maintained and staff should be clear about acceptable behaviour by pupils regarding smoking/drinking.

Where out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, staff and parents should be informed of these prior to the start of the trip.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in an out of school activity.

Staff must be aware of and follow LA regulations, policies and guidance to include evidence of parental permission, approval of volunteers (including DBS disclosures and Barred List Checks where the volunteer is not supervised), choice of residential site and an explicit code of conduct for staff and pupils.

Whistleblowing

Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Each school should have a clear and accessible whistleblowing policy that meets the terms of the Public Interest Disclosure Act 1998. A model procedure is provided in the Manual of Personnel Practice.

All staff should understand their individual responsibilities to bring matters of concern about children, colleagues or volunteers to the attention of senior management and/or relevant external agencies in writing. This is particularly important where the welfare of children may be at risk. Staff will be judged to be failing in their duty to safeguard children if they do not report such matters, and such failure could result in formal disciplinary action.

It is important that if concerns are expressed about alleged child abuse or inappropriate behaviour towards a child, this must be reported to the Headteacher or appropriate line manager. Such concerns should be pursued to reach a conclusion, with or without a formal complaint being made, even when the child or parent is not asking for further action to be taken about this matter. Concerns about Headteachers should be dealt with by the nominated member of the Governing Body, usually the Chair of Governors.

Use of internet

It is not acceptable for staff or volunteers to download inappropriate material using any computer to which pupils may have access, or to make use of such material in a school.

Any member of staff or volunteer who receives inappropriate material on the internet on a school computer, should report the matter urgently to their manager and ensure that the material is removed.

Staff need to be aware of the school's policy on the use of internet, mobile phones, etc to communicate with children.

Sharing Concerns and Recording Incidents

All staff must be aware of the school's child protection procedures, including procedures for dealing with allegations against staff, which are informed by the DfE Statutory Guidance. Staff who are the subject of allegations are advised to contact their trade union and/or 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 must be clearly and promptly recorded and reported to senior staff. Early discussion with a parent or carer could avoid any misunderstanding (subject to advice in this procedure and from the Local Authority Designated Officer (LADO) about contacting parents).

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.

All complaints, concerns or allegations against a member of staff that have child protection implications, or might relate to a risk posed by a person in a position of trust must be fully recorded. Records must include how these complaints, concerns or allegations were investigated and the outcome of any investigation with the rationale for this decision.

Conclusion

It would be impossible and inappropriate to lay hard and fast rules to cover all the circumstances in which staff relate to young people and where opportunities for their conduct to be misconstrued might occur.

In all circumstances, professional judgement will need to be exercised. For the vast majority of staff the above guidelines will serve only to confirm what has always been their practice. If staff have any doubts about the advice contained in this document they should consult their Headteacher or line manager as appropriate.

More detailed guidance can be found on EPS' Safer Culture guidance.

Do's & Don'ts of working with children

Staff and volunteers must be aware of how to conduct themselves to minimise the risk of becoming the subject of any child protection processes. This list summarises what to do and not to do. It is not exhaustive and schools may wish to add to the list.

Do:

- Read and follow the school's child protection procedures
- Report to the Headteacher/DSL any concerns about child welfare/safety
- Report to the Headteacher any concerns about the conduct of other school staff/volunteers/contractors
- Record in writing all relevant incidents
- Work in an open and transparent way
- Discuss and report any incidents of concern or that might lead to concerns being raised about your conduct towards a child
- Report to the Headteacher any incidents that suggest a pupil may be infatuated with you or taking an above normal interest in you
- Dress appropriately for your role
- Only use e-mail contact with pupils via the school's system
- Avoid unnecessary physical contact with children
- Ensure you understand the rules concerning physical restraint
- Where physical contact is essential for educational or safety reasons, gain pupil's permission for that contact wherever possible
- Allow children to change clothes with levels of respect and privacy appropriate to their age, gender, culture and circumstances
- Avoid working in one-to-one situations with children where possible, except where this is explicitly part of your role.
- In certain one-to-one situations, ensure that you are within sight of another adult, e.g. by having a door open/being behind a glass partition/working in one corner of a room whilst another adult is operating elsewhere in the room.
- During the provision of personal/intimate care, which is part of the post holder's normal responsibilities, maintaining the child's dignity and privacy should be of paramount importance, which may warrant the care to take place on a one-to-one basis, ensuring privacy is appropriate to the child's age and situation.
- Ensure an appropriate member of staff is aware of when and where you are holding a one-to-one.
- If you are unhappy about the venue arrangements, take this up with your Headteacher before entering into these.
- Avoid volunteering to house children overnight
- Ensure that areas of the curriculum that may involve sexually explicit information are taught in accordance with school policies

- Be careful about recording images of children and do this only when it is an approved educational activity
- Contact your professional association or trade Union if you are the subject of concerns or allegations of a child protection nature
- Fully co-operate with any investigation into child protection issues in the school. Listen to pupils when they express concern (rumours) about staff which might appear to be just, and check facts v fiction

Don't:

- Take any action that would lead a reasonable person to question your motivation and/or intentions
- Misuse in any way your position of power and influence over children
- Use any confidential information about a child to intimidate, humiliate or embarrass a child
- Engage in activities out of school that might compromise your position within school
- Establish or seek to establish social contact with pupils outside of school
- Accept regular gifts from children
- Give personal gifts to children
- Communicate with pupils in inappropriate ways, including personal e-mails and mobile telephones.
- Pass your home address, phone number, e-mail address or other personal details to pupils/children.
- Make physical contact secretive
- Assist with any personal care task which a child can undertake themselves
- Arrange to meet with pupils in closed rooms without senior staff being made aware of this in advance.
- Use physical punishment of any kind
- Confer special attention on one child unless this is part of an agreed school plan or policy
- Transport pupils in your own vehicle without prior management approval
- Take, publish or share images of pupils or other children without their parents' permission.
- Access abuse images (sometimes referred to as child pornography) or other inappropriate material
- Abuse your position of trust with pupils
- Allow boundaries to be unsafe in more informal settings such as trips out, out of school activities etc.