



STAFF CODE OF CONDUCT

Review Date: December 2020

Introduction

This document applies to all employees of West Sussex County Council, including those employees on temporary and fixed term contracts.

The County Council has a disciplinary procedure to provide a fair and consistent method of dealing with any failures to observe the required standards and to bring about an improvement in conduct. Minor breaches of these standards will normally be dealt with informally and there will be no need for formal disciplinary action. However, in cases where there is a repetition of minor misconduct, or where the misconduct is viewed as being of a more serious nature, it may be necessary to take formal disciplinary action without any previous informal stages.

The formal disciplinary procedure allows for different sanctions to be given, depending on the severity of the misconduct.

The factors which influence the seriousness with which an offence may be viewed are:

- The type, degree and frequency of the misconduct
- The consequences or potential consequences arising from the misconduct
- The level of responsibility of the employee concerned
- The employee's previous disciplinary record

Following a formal disciplinary meeting, misconduct which is regarded as:

- 'Minor' will usually result in first written warning.
- A more serious breach, or a repetition of a minor breach, will usually result in a final written warning.
- 'Gross' misconduct may result in the employee being dismissed without notice, even if no previous warning has been issued.

Each case will be treated on its merits and any mitigating factors will be taken into account. The Human Resources Professional Support Team will advise managers on the level of action that may be appropriate. The process of investigation, consideration,

determination and representation of any disciplinary matter is set out in detail in the Disciplinary Policy.

Examples of Misconduct

Any acts or omissions that give rise to doubts about an employee's suitability for the job could be the subject of disciplinary action. The following examples are not intended to be exclusive or exhaustive, but are intended to explain the types of matters that will be viewed as misconduct justifying disciplinary action.

- Failure to comply with a reasonable instruction or contractual requirement
- Sleeping on duty
- Failure to account for/making false claims for County Council funds, assets or property
- Falsifying records or documents
- Failing to report or to record information where such reporting or recording is required within the job.
- Unauthorised alteration or destruction of records or documents
- Failure to take proper care of a child or adult in the care or charge of the County Council
- Disclosure of confidential information
- Failure to comply with a Health and Safety requirement
- Failure to observe the requirements of any of the school policies or procedures or any statutory regulations
- Abuse of the school's IT systems
- Repeated lateness
- Absence without cause or authorisation
- While absent through sickness, working or carrying out activities which will either not aid the recovery, or which appear to be inconsistent with the reason for absence
- False self-certification of absence as sick leave
- Conduct likely to bring discredit to the school

- Committing an act outside work, or being convicted of a criminal offence, which is liable to affect suitability for the job
- Improper conduct at, during, when arriving for, or leaving work, or at work related events e.g. Christmas parties
- Dishonesty
- Corrupt or improper practice
- Bullying, harassment, victimisation or any conduct likely to create an intimidating, hostile or humiliating working environment.

Gross Misconduct

Gross misconduct is characterised as a very serious breach of the above standards, which goes to the heart of the contract, and would lead to a complete loss of trust and confidence in an employee, for which dismissal without notice and without any previous warning, is justified.

In particular, the following will be viewed as gross misconduct:

- Unauthorised acceptance of money or a bequest from a service user or exerting pressure on a service user to obtain money or a bequest
- For night care workers, falling asleep on duty or putting yourself in a position likely to induce sleep. For other staff, falling asleep on duty where service users, staff or members of the public might thereby be put at risk
- Failure to observe correct procedures or to take proper care of a vulnerable person where the consequences or potential consequences are serious
- Defrauding the school of expenditure; falsifying records for personal gain; acceptance of bribes; theft
- Physical violence or threatening behavior
- Behaviour at work, or in connection with work, resulting from drinking alcohol or using drugs that affects the safety or wellbeing of others or would bring the school into disrepute
- Serious insubordination
- Wilful act or omission that seriously endangers self or others or may result in action against the school for negligence

- Deliberately discriminating or instructing others to discriminate unlawfully on grounds of race, sex or disability, sexual orientation, religion or belief or age
- Serious bullying or harassment
- Use of computerised systems to access or send pornographic, illegal or overtly offensive material
- Deliberate damage to property or equipment
- Unauthorised and unjustified absence from work

Allegations against Staff

All adults who come into contact with pupils in their work have a duty of care to safeguard and promote their welfare. The vast majority of adults who work with pupils act professionally and aim to provide a safe and supportive environment which secures the wellbeing and very best outcomes for pupils in their care. However, it is recognised that when working with pupils allegations may occur. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.

Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse pupils. It is therefore essential that all possible steps are taken to safeguard pupils and ensure that the adults working with them are safe to do so. With this in mind, Littlegreen School maintains an attitude of 'it could happen here' where safeguarding is concerned and always acts in the interests of the pupil.

This policy seeks to ensure that the duty to promote and safeguard the wellbeing of pupils is in part achieved by raising awareness of illegal, unsafe and inappropriate behaviours. Whilst every attempt has been made to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. It is expected that in these circumstances adults will always advise the Headteacher of the justification for any such action already taken or proposed.

Any person in charge of, or working with pupils in any capacity is considered, both legally and morally, to owe them a duty of care. The duty rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a pupil or young person involved in any activity, or interaction for which that individual is responsible. The expectation is that all staff at Littlegreen School will maintain high standards of ethics and behaviour, within and outside school, by:

- Treating pupils and colleagues with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a staff member's professional position
- Having regard for the need to safeguard pupils' well-being, in accordance with Littlegreen School policies and local procedures
- Showing tolerance of and respect for the rights of others
- Not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- Ensuring that personal beliefs are not expressed in ways, which exploit pupils' vulnerability or might lead them to break the law.

Purpose of Guidance

It is important that all staff working with pupils understand that the nature of their work and the responsibilities related to it, place them in a position of trust. This guidance provides clear advice on appropriate and safe behaviours for all staff working with pupils in paid or unpaid capacities, in all settings and in all contexts for Littlegreen School. The guidance aims to:

- Keep pupils safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided
- Assist staff working with pupils to work safely and responsibly and to monitor their own standards and practice
- Support employers in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken

- Support safer recruitment practice
- Minimise the risk of misplaced or malicious allegations made against staff who work with pupils
- Reduce the incidence of positions of trust being abused or misused

Underpinning Principles

- It is the responsibility of all staff to safeguard and promote the welfare of pupils. This responsibility extends to a duty of care for those staff employed, commissioned or contracted to work with pupils
- Staff who work with pupils are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should work and be seen to work, in an open and transparent way
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- Staff should continually monitor and review their practice and ensure they follow the guidance contained in this document
- Staff should follow this guidance in their day to day practice. It should also be referred to when taking on new work, different duties or additional responsibilities. Revisiting this guidance through induction, supervision, performance management, training programmes etc, will also help to ensure a safer pupils's workforce

Employer's Responsibility

Employers have a duty of care towards their employees under the Health and Safety at Work Act which requires them to provide a safe working environment for staff and guidance about safe working practices.

This means that employers should:

- Foster a culture of openness and support
- Ensure that systems are in place for concerns to be raised

- Ensure that there is in place effective recording systems which confirm discussions, decisions and the outcomes of any actions taken
- Ensure that staff are not placed in situations which render them particularly vulnerable
- Ensure that all staff are aware of expectations, policies and procedures

Making a Professional Judgement

There may be occasions and circumstances in which staff have to make decisions or take action in the best interests of the pupil which could contravene this guidance or where no guidance exists. Staff are expected to make judgements about their behaviour in order to secure the best interests and welfare of the pupils in their charge. Such judgements should always be recorded and shared with a member of the senior management team and with the parent or carer. In undertaking these actions staff will be seen to be acting reasonably. Staff should always consider whether their actions are warranted, proportionate and safe and applied equitably.

This means that where no specific guidance exists staff should:

- Discuss the circumstances that informed their action, or their proposed action, with the Headteacher, senior member of the team and the parent/carer
- Report any actions which could be mis-interpreted to their senior manager
- Always discuss any misunderstanding, accidents or threats with a senior manager
- Record any areas of disagreement about a course of action taken and if necessary refer to a higher authority
- Ensure they have copies of records which confirm decisions, discussions and reasons why actions were taken

Unsuitability

The guidance contained in this document is an attempt to identify what behaviours are expected of staff who work with pupils. Staff whose practice deviates from this guidance and/or their professional or employment-related code of conduct may bring into question their suitability to work with pupils in any capacity.

This means that staff should:

- Have a clear understanding about the nature and content of this document
- Discuss any uncertainties or confusion with their Headteacher or line manager
- Understand what behaviours may call into question their suitability to continue to work with pupils
- Model high standards of behaviour and attitude in their interactions with both pupils and adults – the pupils see how staff speak to each other
- Always support, or offer to support, your colleagues without question or hesitation

Duty of Care / Relationships

All staff are accountable for the way in which they exercise authority; manage risk; use resources; and protect pupils from discrimination and avoidable harm.

All staff should:

- Understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached
- Always act, and be seen to act, in the pupil's best interests
- Avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Take responsibility for their own actions and behavior
- Keep pupils safe and protect them from sexual, physical, emotional harm and neglect
- Take reasonable steps to ensure the safety and well-being of pupils. Failure to do so may be regarded as professional neglect
- Develop respectful, caring and professional relationships with; pupils, their families, colleagues, visiting professionals and behave with integrity, maturity and good judgement
- Build open, honest and trusting relationships by respecting pupils, families and colleagues and making them feel valued as partners
- Model emotionally literate behaviour (social and emotional skills)

Confidentiality

Members of staff may have access to confidential information about pupils in order to undertake their everyday responsibilities. In some circumstances staff may be given highly sensitive or private information. Staff must ensure that their words or actions cannot be construed as unjustified intrusion.

This means that staff:

- Must be clear about when information can be shared and in what circumstances it is appropriate to do so
- Are expected to treat information they receive about pupils in a discreet and confidential manner
- Should never use confidential or personal information about a pupil or his family for their own, or others' advantage
- Must never use information to intimidate, humiliate, or embarrass a pupil or a colleague
- Must never use confidential information about a pupil casually in conversation or share it with any person other than on a need-to-know basis
- Should seek advice from a senior member of staff if they are in any doubt about sharing information they hold or which has been requested of them

Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all staff working in Littlegreen School are in positions of trust in relation to the pupils in their care. It is vital for all staff to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.

This means that staff should:

- Always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

This means that staff should not:

- Use their position to gain access to information for their own or others' advantage
- Use their position to intimidate, bully, humiliate, threaten, coerce or undermine pupils or colleagues
- Use their status and standing to form or promote relationships which are of a sexual nature, or which may become so

Propriety and Behaviour

All staff working with pupils have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of pupils. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, pupils, the public in general, and all those with whom they work.

This means that staff should:

- Be aware that behaviour in their personal lives may impact upon their work with pupils including posts they make using social media
- Follow any codes of conduct deemed appropriate by Littlegreen school
- Understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with pupils

This means that staff should not:

- Behave in a manner which would lead any reasonable person to question their suitability to work with pupils or act as a role model
- Make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or which might be interpreted as such

Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However staff should dress in ways which are appropriate to their role and this may need to be different to how they dress when not at work. The school's dress code outlines expectations for dress and appearance.

The Use of Personal Living Space

No pupil should be in or invited into, the home of a staff member who works with them under any circumstances.

Giving and Receiving Gifts

The giving of gifts as rewards may be accepted practice for a group of pupils, whilst in other situations the giving of a gift to an individual pupil will be part of an agreed plan, recorded and discussed with a senior manager and the parent or carer.

This means that staff should:

- Be aware of Littlegreen School's policy on the giving and receiving of gifts
- Ensure that gifts received or given in situations which may be misconstrued are declared
- Not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment

Infatuations

Occasionally, a pupil may develop an infatuation with a member of staff who works with them.

This means that staff should:

- Report and record any incidents or indications (verbal, written or physical) that suggest a pupil may have developed an infatuation with a member of staff
- Deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned
- Always acknowledge and maintain professional boundaries
- Make every effort to ensure that their own behaviour is above reproach

Communication with Pupils (including the Use of Technology)

In order to make best use of the many educational and social benefits of new technologies, pupils need opportunities to use and explore the digital world, using multiple devices from multiple locations.

staff should:

- Ensure that personal social networking sites are set to private and pupils are never listed as approved contacts
- Never use or access pupils' social networking sites
- Never accept a pupils or parent as a friend on personal social networking sites or communicate with them via this medium
- Recognise the guidance from Littlegreen School with regards to personal/social networking with pupils who have now left Littlegreen School, the recommendation is that staff do not engage in this
- Not give their personal contact details to pupils, including their personal mobile telephone number
- Recognise that text messaging should only be used as part of an agreed protocol, authorised by the Headteacher and when other forms of communication are not possible
- Not use internet or web-based communication channels to send personal messages to a pupil
- Not request, or respond to, any personal information from a pupil
- Ensure that all communications are transparent and open to scrutiny

Social Contact

Staff should not establish, or seek to establish, social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship.

staff should:

- Have no secret social contact with pupils or their parents
- Always gain approval for any planned social contact with pupils or parents from the Headteacher

- Report and record any social contact they have with a pupil or a parent which may give rise to concern
- Be aware that the sending of personal communications such as birthday cards should always be recorded and authorised by the Headteacher

Sexual Contact

All staff should clearly understand the need to maintain appropriate boundaries in their contact with pupils. Intimate or sexual relationships between pupils and the staff who work with them will be regarded as a grave breach of trust. Any sexual activity between a member of staff and the pupil with whom they work will be regarded as a criminal offence and will always be a matter for disciplinary action. Section 16 of The Sexual Offences Act 2003 provides that it is an offence for a person aged 18 or over to have a sexual relationship with a pupil under 18 where that person is in a position of trust in respect of that pupil, even if the relationship is consensual.

Staff should:

- Ensure that their relationships with pupils clearly take place within the boundaries of a respectful professional relationship
- Take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when members of staff are dealing with adolescent boys.

Staff should not:

- Have sexual relationships with pupils
- Have any form of communication with a pupil which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact
- Make sexual remarks to, or about, a pupil
- Discuss their own sexual relationships with or in the presence of pupils

Physical Contact

There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their Staff should:

- Be aware that even well intentioned physical contact may be misconstrued by the pupil, an observer or by anyone to whom this action is described
- Never touch a pupil in a way which may be considered indecent
- Always be prepared to report and explain actions and accept that all physical contact be open to scrutiny
- Not indulge in horseplay
- Always encourage pupils to undertake self-care tasks independently
- Work within Health and Safety regulations
- Be aware of cultural or religious views about touching
- Understand that physical contact in some circumstances can be easily misinterpreted
- Seek the pupil's permission, where feasible, before initiating contact
- Listen, observe and take note of the pupil's reaction or feelings and – so far as is possible - use a level of contact and/or form of communication which is acceptable to the pupil for the minimum time necessary
- Adopt a general culture of 'limited touch' to the individual requirements of each pupil
- Where a pupil initiates inappropriate physical contact, it is the responsibility of the member of staff to sensitively deter the pupil and help him understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager

Activities that require Physical Contact

Some staff who work in certain settings, for example sports or outdoor activities or teach specific subjects such as PE or music, may have to initiate some physical contact with pupils. For example to demonstrate technique in the use of a particular piece of

equipment, adjust posture, or perhaps to support a pupil so they can perform an activity safely or prevent injury.

Staff should:

- Treat pupils with dignity and respect and avoid contact with intimate parts of the body
- Always explain to a pupil the reason why contact is necessary and what form that contact will take
- Consider alternatives to touching first
- Conduct activities where they can be seen by others

Behaviour for Learning

All pupils have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

Staff should:

- Take personal responsibility for being well informed about pupils' backgrounds, their strengths and their barriers to learning
- Take personal responsibility for continually developing the quality of your work and the success of your impact on students progress
- Aim to defuse situations before they escalate
- Adhere to Littlegreen School's behaviour policy
- Understand the function of the pupil's presenting behaviour and of factors which may impact upon a pupil's behaviour e.g. special needs, bullying, abuse and where necessary take appropriate action
- Not use any form of degrading treatment to punish a pupil. The use of sarcasm, demeaning or insensitive comments towards pupils is not acceptable in any situation
- Not use force as a form of punishment
- Only use physical intervention in line with Team Teach training if a pupil is at immediate risk of harm to themselves, others or of committing criminal damage

Pupils in Distress

There may be occasions when a distressed pupil needs comfort and reassurance and this may involve physical contact.

Staff should:

- Use their professional judgement to comfort or reassure a pupil in an age-appropriate way whilst maintaining clear professional boundaries
- Be circumspect in offering reassurance in one to one situations, but always record such actions in these circumstances
- Record and report situations which may give rise to concern from either party
- Not assume that all pupils seek physical comfort if they are distressed

Personal Care

Pupils are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care.

Staff should:

- Avoid any physical contact when pupils are in a state of undress
- Ensure another staff member is present at all times when supervising pupils in changing rooms
- Never enter the changing rooms without announcing their intention of entering

This means that staff should not:

- Change in the same place as pupils
- Shower or bathe with pupils
- Assist with any personal care task which a pupil can undertake by themselves

First Aid and Administration of Medication

Staff should:

- Adhere to Littlegreen School's policy for administering first aid or medication
- Comply with the necessary reporting requirements
- Explain to the pupil what is happening

- Always act and be seen to act in the pupil's best interests
- Report and record any administration of first aid or medication
- Have regard to any health plan which is in place
- Always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities

One to One Situations

One to one situations have the potential to make pupils more vulnerable to harm by those who seek to exploit their position of trust. Staff working in one to one settings with pupils may also be more vulnerable to unjust or unfounded allegations being made against them. Every attempt should be made to ensure the safety and security of pupils and the staff who work with them.

Staff should:

- Ensure that when lone working is an integral part of their role, full and appropriate risk assessments have been conducted and agreed
- Not meet with a pupils in remote, secluded areas
- Avoid use of 'engaged' or equivalent signs when working with a pupil. Such signs may create an opportunity for secrecy or the interpretation of secrecy
- If working one to one with a pupil the door to the room should remain open unless a counseling session is taking place or a pupil is revealing sensitive information/making a disclosure

Transporting Pupils

There may be a situation where staff are asked to transport pupils as part of their duties. Staff are not required to do this as part of their duties and can refuse the request.

Staff should:

- Ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/or ability to drive

- Be aware that the safety and welfare of the pupil is their responsibility until they are safely passed over to a parent/carer
- Understand that it is the responsibility of the member of staff driving the vehicle to ensure that all passengers wear seatbelts
- Never offer lifts to a pupil
- Always have an escort for any journey with any number of pupils

Educational Visits and After-School Activities

Staff should take particular care when supervising pupils on trips and outings, where the setting is less formal than in school. Staff remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries.

This means that staff should:

- Always have another member of staff present in out of workplace activities, unless otherwise authorised by the Headteacher
- Undertake risk assessments in line with Littlegreen School's policy where applicable
- Have parental consent for the activity
- Ensure that their behaviour remains professional at all times
- Not share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with the headteacher, parents and pupils
- Keep colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual workplace

Photography and Videos

Working with pupils may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well-being of pupils.

This means that staff should:

- Gain informed written consent from parents or carers and agreement from the pupil before an image is taken for any purpose
- Be clear about the purpose of the activity and about what will happen to the images when the activity is concluded
- Avoid taking images in one to one situations or which show a single pupil with no surrounding context
- Ensure the pupil understands why the images are being taken and has agreed to the activity and that they are appropriately dressed
- Only use equipment provided or authorised by the school
- Report any concerns about any inappropriate or intrusive photographs found
- Always ensure they have parental permission to take and/or display photographs
- Remain sensitive to any pupils who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings

This means that staff should not:

- Display or distribute images of pupils unless they have consent to do so from parents/carers
- Take or store images of pupils on personal electronic equipment including mobile phones or store any images at home
- Use images which may cause distress
- Take images in situations that may be construed as being private

It is recommended that when using a photograph the following guidance should be followed:

- If the photograph is used, avoid naming the pupil
- If the pupil is named, avoid using their photograph
- Littlegreen School should establish whether the image will be retained for further use
- Images should be securely stored and used only by those authorised to do so

Access to Inappropriate Images and Internet Usage

There are no circumstances that will ever justify staff possessing indecent images of pupils. Staff who access and possess links to such websites will be viewed as a significant and potential threat to pupils.

This means that staff should:

- Follow Littlegreen School's guidance on the use of IT equipment
- Ensure that pupils are not exposed to unsuitable material on the internet
- Ensure that any films or material shown to pupils are age appropriate
- Not use equipment belonging to Littlegreen School to access adult pornography, or bring personal equipment containing these images, or links to them, into Littlegreen School

Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature.

This means that staff should:

- Have clear written lesson plans
- Take care when encouraging pupils to use self expression, not to overstep personal and professional boundaries
- Be able to justify all curriculum materials and relate these to clearly identifiable lessons plans

This means that staff should not:

- Enter into or encourage inappropriate discussions about sexual activity or any behaviours which may offend or harm others

Whistle blowing

Whistle blowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion.

This means that staff should:

- Report any behaviour by colleagues that raises concern regardless of the source (refer to Littlegreen School Whistle blowing policy)

Sharing Concerns and Recording Incidents

In the event of any allegation being made information should be clearly and promptly recorded and reported to the Designated Safeguarding Lead without delay.

This means that staff should:

- Be familiar with Littlegreen school's system for recording concerns
- Take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the workplace

Agreed/Ratified by Governors:

Review Date: December 2020