



## Code of Conduct for All Staff

**This policy applies to:**

All Staff

**Person responsible for the policy:**

HR Department

**Review Dates:**

Last Review Sept 2023

Next Review October 2024 *(Please note: this policy is under review and a revised version will go to People and Culture Committee for approval in October 2024)*

## Purpose

Relationships with fellow employees, governors, contractors, visitors, pupils and their parents or guardians should be reasonable and mutually respectful at all times. Our small class sizes, our busy extra-curricular programme, our house structure and our tutorial system all encourage staff and students to work together in a productive and harmonious setting. However, this is not without its risks, and all staff should be aware of the possibility of confusion over their dealings with students which may be misconstrued as unprofessional conduct. Staff should be alert to situations where they or other staff are potentially vulnerable to false allegations of unprofessional conduct. The tutorial system in particular, may involve a member of staff and a student being alone in the same room and can lead to situations that might be misinterpreted by the student.

On all occasions, but particularly when alone with students, staff must be wholly professional in their dealings with them and not do or say anything that might make the student feel uncomfortable or that could be misconstrued in any way.

This Code has been produced to place the welfare of children at the centre of the College and its culture and to ensure that all those who work at the College and may have contact with children are clear on the rules of conduct and the expectations of the College. Children place trust in those connected to the College creating obligations which we must all meet to ensure the successful outcomes achieved by the children in our care.

This Code has regard to the College's child protection and safeguarding policy and procedures and the following guidance:

- Keeping Children Safe in Education (September 2023)
- Working together to safeguard children (July 2018)
- Prevent Duty Guidance
- Guidance on female genital mutilation

The purpose of this code is therefore to:

1. Confirm and reinforce the professional responsibilities of all staff (teaching and operational)
2. Clarify the legal position in relation to sensitive aspects of staff/pupil relationships and communication including the use of social media;
3. Set out the expectations of standards to be maintained within the College
4. Help adults establish safe practices and reduce the risk of false accusations or improper conduct.

## Application

The code applies to all staff, whatever their position, role or responsibilities. It includes employees, Governors, contractors, agency workers, work experience students and volunteers.

## Dealing with allegations against staff

All employees must be aware of the College's Child Protection Policy, Keeping Children Safe in Education (Part 1 and Annex B), the Dealing with Allegations Against Staff policy and procedure and the Low Level Concerns policy. If at any time employees have concerns about appropriate conduct, dealings with students at Ardingly College or the behaviour of a colleague, they should be discussed with the Designated Safeguarding Lead (DSL), and with the Head. If the concern relates to either the DSL or Head it should be discussed with the Chair of the Board of Governors.

Allegations of unprofessional conduct can arise at any time. Professionalism and vigilance are required of all staff to ensure the safety of children in our care and to reduce the risk of an allegation of impropriety against member of staff. This guidance applies to all adults working in the College, not just teachers.

## Low Level Concerns

Ensuring low level concerns are dealt with effectively should protect staff from potential false allegations or misunderstandings. Staff should be clear on expected behaviours, feel empowered to share low level concerns and feel comfortable to address unprofessional conduct at an early stage. In line with the guidance from KCSIE, the College supports an open culture for sharing low level concerns in order that they can be responded to quickly and appropriately. ***For further details please see the College's Child Protection Policy or Low-Level Concerns policy.***

## Whistleblowing

All staff are required to report their own wrong-doing or the proposed wrongdoing of any other member of staff or any conduct they may suspect to be inappropriate to the Head. Any issues specifically in relation to safeguarding concerns should be reported to the Designated Safeguarding Lead (DSL).

Ardingly College is committed to ensuring that all allegations of malpractice within the organisation are taken seriously. Employees are asked to bring any such allegations to the College's immediate attention. This is in the interest of the College, its pupils, its staff, and the public. The ***Whistleblowing Policy*** sets out the procedure for reporting any concerns, which may include but are not limited to safeguarding issues.

## Guidelines on staff / pupil relationships

For the protection of staff, as well as students, the following guidelines must be adhered to:

- If a member of staff is alone in a room with a student, the guiding principle should be that the meeting can be seen by passers-by. If there is no glass panel in the door, then the door should be left open. Thought should also be given to where the student sits in relation to the member of staff (eg a male teacher and a female student should not be sitting together on a sofa).
- Meetings with individual students should not be scheduled for times when no one else will be around and should not continue for any longer than is necessary to achieve its purpose.

- No physical contact, for any reason, should occur between staff and students. Any form of physical punishment is unlawful, but misguided contact such as ruffling hair, putting an arm around a shoulder or patting a pupil must be avoided. The only exceptions to this are:
  - the administration of first aid;
  - in cases of distress when, for example, a student might benefit from an arm around the shoulder when being taken to the Medical Centre;
  - or when preventing a student from injuring themselves or others.
- Staff should not meet with students alone off the College premises. They should also avoid being alone in their cars with individual students if at all possible. Where the situation is unavoidable, staff should discuss the arrangements with a senior member of staff and would also be advised to inform the student's parents
- Unauthorised student access to staff accommodation is strictly forbidden. It is acceptable for those attached to a boarding House to entertain boarders in a group of at least two students, not individuals, and in the HoMM's presence or with the HoMM's permission
- If a situation occurs that might be misconstrued, the member of staff should report the incident to the Deputy Head (Pastoral and Co-Curricular) as quickly as possible.
- Staff should not make remarks of a sensitive or personal nature to students. Terms of endearment should also be avoided as these could be misconstrued.
- Staff should ensure that students do not develop "dependent relationships" with them.

### **Professional Boundaries**

Where an individual is employed by the College and their child is a pupil, they should ensure that appropriate professional boundaries are maintained at all times. With particular reference to:

- The setting and maintaining of professional boundaries whilst at work
- Conversations had at home within hearing of spouses and children
- The maintaining of professional boundaries with others in the parent body who may be non-staff parents
- The maintaining of confidentiality at all times, on all and any College matters
- Maintaining professional standards of communication and boundaries both during and outside of College working hours

Where possible, parents who are teaching staff will not be timetabled to teach their own children (unless no other appropriate member of staff is available). The College reserves the right to make changes to the timetable in order to mitigate this possibility.

### **Dependent relationships**

All College staff are in a position of trust, and great care should be taken to ensure that this position of trust is not abused or misconstrued. This position of trust should not be used to intimidate, bully, humiliate, coerce or threaten pupils.

Allowing any sort of dependent relationship to develop with a student is a breach of this trust. Please note that this includes tutors who encourage students to share more of their personal life and private feelings than is appropriate or strictly necessary.

Great care should be taken to ensure that no romantic or sexual relationship, no matter how one-sided, is allowed to develop between a member of staff and a student. Staff should also note that in both employment law and case law, it is a breach of trust (and hence, gross misconduct) for a teacher to initiate a romantic or sexual relationship with a student after that student has left College.

Staff must not:

- Have any type of sexual relationship with a pupil or pupils
- Have sexually suggestive or provocative communication with a pupil
- Make sexual remarks to or about a pupil
- Discuss their own sexual relationships in the presence of pupils

### **Abuse of a position of trust and Inappropriate relationships with College pupils**

Sexual relationships or sexual contact with any pupils, or encouraging a relationship to develop in a way which might lead to a sexual relationship or any relationship just considered inappropriate with any pupil at the College is a grave breach of trust that will usually lead to disciplinary action and may also lead to criminal prosecution. It is the criminal offence of an abuse of a position of trust to have any sexual relationship with any pupil under the age of 18, and whilst not a criminal offence, it is a breach of this Code and considered to be gross misconduct to have a sexual relationship with any pupil of this College, even if over the age of 18.

### **Inappropriate relationships with pupils at another school**

Forming relationships with children or young people who are pupils or students at another school will be a criminal offence if they are under 16 but may also be a criminal offence if under the age of 18 and will be regarded as gross misconduct. Such behaviour tends to bring the College into disrepute and gives rise to concern that the Staff involved cannot be trusted to maintain professional boundaries with pupils and students at the College. Whilst not necessarily a criminal offence, the College considers it inappropriate for Staff to form inappropriate relationships with a pupil of any school, irrespective of their age.

### **Behaviour giving particular cause for concern**

Staff should take particular care when dealing with a pupil who:

- appears to be emotionally distressed, or generally vulnerable and/or is seeking expressions of affection
- appears to hold a grudge against them
- acts in a sexually provocative way, or who is inclined to make exaggerated claims about themselves and others, or one whose manner with adults is over-familiar
- may have reason to make up an allegation to cover up poor performance in examinations

Some of these behaviours may be indications that a child has been abused and should therefore be reported to the Designated Safeguarding Lead. Any incident involving children that could give cause for concern should be recorded with justifications for any actions taken and discussed with the Designated Safeguarding Lead.

### **Setting a good example**

Staff should recognise their obligation to be role models for students and should at all times provide a good example for students, in particular with their dress, general behaviour and dealings with others. Public dealings with other staff should be polite and professional, as should all dealings with students and their parents.

Staff should exercise discretion in what they say to students and to parents, and should avoid commenting to them about College policy, management or other staff. Confidentiality of relevant information must be maintained at all times and under no circumstances should staff discuss students or their families in the hearing of other students. Similarly, staff should not speak to the press or other outside agencies about College matters without the express permission of the Head of College.

Staff should also ensure that they do not bully, harass or intimidate other staff or students. All staff must be conscious that what appears as innocent “banter” to some may not be perceived that way by others.

### **Language**

Staff should use appropriate language at all times and should:

- avoid words or expressions that have any unnecessary sexual content or innuendo; avoid displays of affection either personally or in writing
- avoid any words or actions that are over-familiar
- not swear, blaspheme or use any sort of offensive language in front of pupils, parents, visitors or other staff
- avoid the use of sarcasm or derogatory words when punishing or disciplining pupils
- avoid making unprofessional personal comments about anyone
- avoid any form of aggressive or threatening words or aggressive contact such as holding, pushing, pulling or hitting, which could amount to a criminal assault.

### **Sexuality**

In a professional environment like a school, staff should not do or say anything that draws attention to either their own sexuality or that of students. For example:

- Staff should always dress appropriately and professionally. Dress must not be offensive, distracting or revealing, embarrassing or discriminatory. Political and other contentious slogans and badges are not allowed.
- Staff should be careful that their body language is neither suggestive nor sexually threatening
- Students should not feel that a member of staff is staring at them in a suggestive or lascivious way
- Staff should avoid:
  - remarks of a personal or explicit nature;
  - sexual innuendo or *double entendre*; or
  - any comment that could be misconstrued or that could make the recipient feel uncomfortable

Crushes, fixations and infatuations are part of normal adolescent development. However they need sensitive handling to avoid allegations of exploitation. If staff suspect that a pupil has developed a “crush”, they should bring it to the attention of a senior colleague at the earliest opportunity.

### **Use of reasonable force or physical restraint (*positive handling*)**

As a general rule, staff are advised not to make any physical contact with any student whether to guide, restrain or console.

For the purpose of this Code “restraint” means restricting liberty of movement and “reasonable force” means using no more force than is needed. In some teaching contexts, it is recognised that physical contact is proper and necessary (such as in PE or sports coaching for example, or in practical demonstrations or First Aid). Staff may intervene physically (with regard for their own personal safety) only when and if a student is endangering themselves or others by their action(s) or potential action(s).

All forms of corporal punishment are unlawful. However staff may use such force or physical contact as is reasonable in the circumstances to prevent a pupil from doing any of the following: -

- Committing a criminal offence
- Injuring themselves or others
- Causing damage to property, including their own
- Engaging in behaviour prejudicial to good order and discipline at the College.

This code applies where a teacher or other authorised person is in control or charge of pupils either on College premises or elsewhere, for example on a field trip or other authorised out of college activity. It only applies when no other form of control is available and where it is necessary to intervene.

Before intervening physically, staff should where practicable tell the pupil to stop and that positive handling will result if they do not. Staff should continue to communicate with the pupil throughout the incident and should only use positive handling to alleviate the situation.

There is no legal definition for “reasonable force”, it will always depend on the circumstances.

Staff should report to the Senior Deputy Head (Senior School) or Head of Prep (Prep School) immediately following an incident where positive handling has been used in order to prevent any misunderstanding or misinterpretation of the incident, particularly in the event of a complaint. A full written report should always be completed and submitted to the Senior Deputy Head or Head of Prep (Prep School).

Further details regarding use of “restraint” or “reasonable force” can be found in the ***Positive Handling Policy***.

### **Other physical contact**



Physical contact may be appropriate and beneficial in order to demonstrate a correct technique in for example, singing, music or during PE. However, care should be taken that:

- staff have explained the intended action to the pupil
- staff do not proceed if the pupil appears reluctant or apprehensive
- the door is open and if possible another colleague or pupil is present during the demonstration.

**Offering Comfort:** Touching may be appropriate where a pupil is distressed and in need of comforting. This is likely to be more appropriate for younger children with their prior consent. Staff should seek guidance from a senior colleague if unsure whether it is appropriate in the circumstances.

**Administering First Aid:** When administering first aid, staff should explain to the child what is happening and ensure that another adult is present or aware of the action being taken.

### **Code of conduct for contact outside of College**

Staff should avoid unnecessary contact with pupils outside College. In particular **staff should:**

- not give pupils their home address, home phone number, mobile phone number personal email address ;
- not send personal communication to pupils unless agreed with a senior colleague;
- not make arrangements to meet pupils outside College, other than on recognised authorised college trips;
- not contact pupils at home unless strictly necessary, and a record kept of any such occasion;
- not give a pupil a lift in their own vehicle other than on College business and with the permission of the Senior Deputy Head (Senior School) or Head of Prep School (Nursery-Prep);
- not invite pupils to their home unless a member of the Senior Management Team or Housemaster / mistress has been informed. This also applies to staff living in College accommodation
- never engage in secretive social contact with pupils or their parents, guardians or carers

### **Work Outside College**

The College recognises that members of staff may wish to run for-profit events, clubs etc in their own time. We have no 'in principle' objection to this and understand that for our colleagues it might be an opportunity to develop, to do something different, or provide an additional income stream. This does, though, create some additional risk for the College and confusion for parents and we therefore expect that staff engaging in such activity help to mitigate that.

For any private commercial activity, we would expect that colleagues:

- Notify HR that they have another source of employment (including self employment) in order that we can appropriately identify any conflicts of interest.
- Refrain from using College forms of communication (such as iSams, Ardingly.com email addresses, College phone numbers, College social media channels etc)
- Ensure any marketing literature does not imply that it is a College operated or endorsed activity



- Collect, manage and use their own data in accordance with the relevant legislation, and specifically do not use the College's data, its systems, or its infrastructure for the management of non College activity

Additionally, where the activity takes place using College facilities, we would expect that a formal contract is in place between APL and the employee/their organisation, and additional measures are in place (such as branding, or an overt statement) to make it particularly clear that it is not a College provided or endorsed service.

Generally, College communications channels (such as MS Teams posts, newsletters etc) should not be used to advertise services which are not being provided by the College, unless there are very clear statements to clarify the nature of the relationship.

### **Friendship with parents and pupils**

Members of staff who are friends with parents or who work as volunteers outside the College at organisations attended by pupils, should also respect the advice contained in this policy and should where possible keep senior colleagues informed of any such relationships.

### **Communication with Pupils**

All communication with pupils or parents should be limited to professional matters. Staff should take care when using social networking sites, to ensure that they maintain a professional image and should avoid including pupils or parents in their social network.

### **Gifts and Rewards**

**Receiving Gifts:** As with most educational institutions it is accepted that parents or children make small gifts to show appreciation. However, staff must not receive gifts on a regular basis from any individual or receive anything of significant value where they feel that the gift may be an attempt to gain influence. Staff should decline gifts that could be seen as a bribe or that create an expectation of preferential treatment. Any gift received from a company rather than an individual over the value of £50 should be declared to the Financial Controller.

**Giving Gifts and Rewards:** Where staff are thinking of giving a gift or reward, it should only be provided as part of an agreed reward system, with prior approval from the Head, COO or HR Director. Selection processes should be fair and where possible agreed by more than one member of staff. The gift or reward should be of little monetary value or else declared for tax purposes. Decisions regarding entitlement to benefits, rewards or privileges must avoid perceptions of favouritism or bias. The selection process must be based on transparent criteria.

### **Taking, Storing and Using: images, videos and recordings**

Certain uses of images are necessary for the ordinary running of the College; other uses are in the legitimate interests of the College and its community and are unlikely to cause any negative impact on children, however, the College will respect the rights of the children and their need for privacy at all times. The College is lawfully entitled to process such images and take decisions about how to use them, subject to any reasonable objections raised.

Staff are encouraged to take photos and videos of pupils using College equipment; however, they may use other equipment, such as College-owned mobile devices, where the College Privacy officer has been consulted. Staff will not use their personal mobile phones, or any other personal device, to take images and videos of pupils.

Staff must not publish anything that could identify pupils, parents or guardians on any personal social media account, personal website or similar platform without prior consent of the Head. This includes photos, videos or other materials such as pupil work.

Further information can be found in the ***Taking, Storing and Using Images of Children Policy***.

### **Alcohol and illegal drugs**

Alcoholic liquor may not be consumed during normal working hours except on celebratory occasions approved by a member of the Senior Management Team, neither non-proprietary nor non-prescribed drugs may be brought into the College's premises. It is strictly forbidden to work or remain at work under the influence of alcohol. Anyone found under the influence of drink or illegal drugs whilst on duty will be sent home and liable to disciplinary action.

### **Entertaining**

Any entertaining on or off College premises must be conducted sensibly. There may be alcoholic drinks at College social functions and the College expects a high standard of behaviour from all members of staff. Whilst staff are responsible for their own travel arrangements to and from such functions, the College advises that staff do not drive a vehicle after consuming any amount of alcohol.

### **Smoking**

To promote a healthy and pleasant working environment and to comply with statutory regulations, smoking (including the smoking of e-cigarettes) is not allowed in any of the College buildings. Smoking is only permitted in designated outdoor areas.

### **Conclusion**

The guidelines set out above are intended to help staff to develop friendly, productive relationships with students. They are also there to protect staff and to ensure that no situation arises that will compromise a member of staff's integrity and professionalism or the College's name. A breach of this policy may be treated as misconduct and could result in disciplinary action including in serious cases, dismissal.

Related Policies;

- College's Child Protection Policy

- Whistleblowing Policy
- Dealing with Allegations Against Staff Policy
- Positive Handling Policy
- Taking, Storing and Using Image of Children Policy
- Keeping Children Safe in Education (Part1 and Annex B)
- Smoking, Alcohol and Drugs Policy
- Anti-bribery and Corruption Policy