



## St. Cecilia's Catholic infant & Nursery School

### Safer Working Practices Code of Conduct for Adults

St. Cecilia's Catholic Infant & Nursery School is committed to safeguarding children and promoting children's welfare and expects all staff, governors, volunteers and visitors to share this commitment and maintain a vigilant and safe environment. It is our willingness to work in a safe manner and challenge inappropriate behaviour that underpins this commitment. Everyone is expected to adhere to this 'Code of Conduct' and the 'Guidance for Safer Working Practice for Adults who work with Children and Young People in Educational Settings (updated in 2015 by The Safer Recruitment Consortium) which is available on the school's website. Everyone must also read and understand part one of Keeping Children Safe in Education (DfE 2016). This code of conduct aims to support adults so they don't work in a manner which might lead to an allegation against them. Equally it aims to reduce the opportunity for any adult intent on grooming or harming a young person. It encourages you to work in an open and transparent way that should avoid someone questioning your motives, intentions or suitability to work with young people. It is a key principle of this code of conduct that **everyone** understands their responsibility to share **without delay** any concerns they may have about a child's welfare or an adult's behaviour towards a young person. In addition, **everyone** has a responsibility to escalate their concerns to the Local Authority Designated Officer if they feel that safeguarding concerns they have raised about a child or adult working at the school are not being addressed by the school.

#### **Code of Conduct:**

- If you have any concerns that a child is being harmed, abused or neglected you **must share your concerns immediately** both verbally and in writing with the school's Designated Safeguarding Lead or if they are absent, another member of the school's Leadership Team. Always listen carefully to the child and record what they tell you in the child's own words. Never promise to keep a secret.
- If you receive an allegation against an adult working in the school or observe behaviour that concerns you, you must discuss your concerns without delay with the Headteacher (Mrs. van de Waal) or Designated Safeguarding Lead (Mrs. S. MacGregor). Concerns regarding the Headteacher should be directed to the Chair of Governors (Mrs. M. Lawrence) or Local Authority Designated Officer.

- Anyone (in emergencies or if they need to) can make a referral about their concerns for child to Children's Services

#### **You should:**

- dress appropriately according to your role, ensuring that clothing is not likely to be viewed as offensive or revealing and that it is absent of any political or other contentious slogans or images.
- act as an appropriate role model, treating all members of the school community with respect and tolerance.
- ensure gifts given or received are recorded and discussed with your Line Manager.
- respect others' confidentiality unless sharing information is appropriate to ensuring their welfare.
- adhere to the school's policies, particularly those related to safeguarding - including child protection, behaviour, attendance, physical intervention, intimate care, anti-bullying, equal opportunities, health and safety and e-safety (acceptable user policy).
- report any behaviour or situations which you may feel give rise to a complaint or misunderstanding in respect of your own actions. Also share situations with your Line Manager if you feel your actions might have sat outside this code of conduct.
- share with your Line Manager or Headteacher any behaviour of another adult in the school where it gives you cause for concern or breaches this code of conduct or the school's safeguarding policies. Your intervention may allow for their practice to be supported and developed and/or prevent a child from being harmed.

#### **Never:**

- make, encourage or ignore others, making personal comments which scapegoat, demean or humiliate any member of the school community.
- use your position to intimidate, bully, humiliate, coerce or undermine any member of the school community. This includes shouting in anger and aggressively to punish them rather than raising your voice to be heard or avoid danger.
- develop 'personal' or sexual relationships with children and young people, including making sexual remarks or having inappropriate sexual banter. In addition, the Sexual Offences Act 2003 makes it clear that all members of staff are in a position of trust and would therefore be committing a criminal offence to have a sexual relationship with a young person in full time education/below the age of 18, even if that pupil is over the age of consent.
- engage in inappropriate conversations with students or share inappropriate personal information about yourself or others.
- discriminate favourably or unfavourably towards a child.
- give personal contact details to pupils or communicate outside of school using social networks, email, text, twitter etc or meet a young person out of school unless part of a planned school activity with the knowledge of your Line Manager.

- have conversations on social networking sites that make reference to children, parents or other colleagues at the school or be derogatory about the school. Never make any statements or post images on social networking sites that might cause someone to question your suitability to act as a role model to young people or bring your own or the school's reputation into disrepute. You should never communicate with parents through social network sites and you are strongly advised to declare any existing friendships/relationships to your Line Manager.
- use personal equipment to photograph children (always use the school's equipment) and ensure any photographs are only stored on the designated secure place on the school's network and not on portable equipment.
- use your personal mobile phone in areas used by children unless in emergencies or under an agreed protocol set out by the Headteacher. In early years settings mobile phones should be locked away rather than carried by staff in areas occupied by children.
- undertake 'one to one' activities out of the sight of others unless it is a planned activity with the knowledge of your Line Manager and in keeping with your particular responsibilities.
- transport children unsafely, for example by driving whilst using your mobile phone, consuming alcohol, failing to ensure that seat belts are worn or driving without appropriate insurance. Any trips should be planned and with the knowledge of your Line Manager. Unforeseen events should be reported to your Line Manager. It is good practice to have another adult to act as an escort during the journey
- have physical contact with young people that might be misconstrued or considered indecent or harmful. Ensure you are always able to give an account of the reasons for physical contact or physical intervention. Where physical contact is required it is good practice for it to be within the sight of others. Any physical contact with a child that was needed to control or restrain a child should be the minimum required.

**All school employees should have a clear understanding of their responsibilities under this code of conduct. It aims to help them avoid poor working practices that may lead to their behaviour being *investigated* and the *consideration* of disciplinary procedures.**

## **Schools' model managing allegations against staff and volunteers policy and procedures**

This policy should be read alongside the DFE guidance *Keeping Children Safe in Education* and the local safeguarding children's board policy and procedures.

The Headteacher (Mrs. E. van de Waal) is the designated case manager for allegations against all staff and volunteers.

A nominated governor (chair of governors) Mrs. M. Lawrence, is the case manager for managing allegations against the Headteacher.

The Local Authority Designated Officer is Ray Said (ray.said@liverpool.gov.uk).

The purpose of this policy is to provide guidance to all staff and volunteers in relation to the processes for managing allegations against adults working with children.

### **Key principles**

- Any concerns about an adult's behaviour towards a child or concerns about someone's suitability to work with children, or behaviours that are inconsistent with the school's code of conduct and guidance for safer working practices for working with children must be reported without delay in order to protect children. The school will not delay in seeking advice from the Local Authority Designated Officer or making a referral to Children's Services or contacting the police.
- The school will work in partnership with other agencies to ensure any allegation is resolved in a timely way.
- The school is aware of its statutory responsibility to make a referral to the Disclosure and Barring Service and/or the National College for Teaching and Leadership when the outcome of a case requires this.
- In keeping with the DfE guidance *Keeping Children Safe in Education* any reference, including an agreed reference as part of a settlement agreement, will always include any substantiated allegations, safeguarding concerns and a statement about someone's suitability to work with young people.
- The person should be given full opportunity to respond to the allegation and to participate in any investigation. The DfE is clear that compromise agreements where the person resigns and leaves with an agreed reference and the

employer agrees not to pursue disciplinary action must not be used in cases of refusal to co-operate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate. The school also has to investigate the matter in order to provide information to support any referral to the DBS or NCTL.

- Consideration will be given as to how best to support all parties.
- Careful consideration will be given to alternatives to suspending the member of staff.
- The school is aware of its responsibility to maintain confidentiality and abide by the Education Act 2011 which places reporting restrictions preventing the publication of any material that might lead to the identification of a teacher until the person is charged or reporting restrictions are lifted. The school should make parents aware of their responsibilities in respect of confidentiality. Once the matter is concluded, careful consideration will be given to any lessons that can be learnt in particular induction, ongoing training, supervision, policies and procedures.

### **Key procedures**

- Any concerns about the behaviour of any adult working within the school towards a child should be brought to the attention of the Head Teacher, Designated Safeguarding Lead without delay. Concerns about the Headteacher should be directed to the nominated governor (chair of governors).
- Initial consideration should consider if the person may have:
  - behaved in a way that has harmed a child, or may have harmed a child;
  - possibly committed a criminal offence against or related to a child; or
  - behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

Equally initial consideration may determine the concerns do not meet the above criteria and do not warrant a police investigation or enquires by Children's Services. There may be clear evidence from the outset the allegation is false, malicious or unfounded.

- Consideration should be given to immediately protecting the child and the need to contact the police.
- The Local Authority Designated Officer is the linchpin in the process and should be contacted without delay to discuss allegations against staff and volunteers. The L.A.D.O. will hold a strategy discussion with police and relevant agencies. The strategy discussion and subsequent strategy meetings will consider:
  - the case for suspension or alternatives to suspension
  - any investigation undertaken by police
  - any assessment being undertaken by Children's Services
  - the basis for when the employer can begin a disciplinary investigation
  - managing, sharing information and confidentiality issues
  - well-being and support needed for all parties
- A referrals to Children's Service should be made drawing upon the L.A.D.O. referral form.
- The Case Manager should seek should be advice from their HR Provider and the Senior School Improvement Officer for Safeguarding.
- When an allegation arises in an Early Years setting the Early Years Foundation Stage Framework may require the allegation to be reported to Ofsted (normally within 14 days).
- The L.A.D.O. will advise if the parents and member of staff can be informed of the allegation and exactly what information can be shared.
- At the point at which the member of staff is notified of the allegation they should be given information about the Managing Allegations Against Adults and Volunteers procedures and also a nominated member of staff to support them. They should be advised to seek Trade Union support and consideration should be given to their wellbeing and continued support. They should be given a guidance about the process.
- The L.A.D.O. will advise how to manage speculation, leaks and gossip and whether it would be prudent to contact the Local Authority Press Office, and any information which might be reasonably given to the community to reduce speculation. In line with Keeping Children Safe in Education, staff and the child's family will be advised about the legislation on imposing restrictions which makes clear that the 'publication' of material that may

lead to the identification of the teacher who is the subject of the allegation is prohibited.

- The school will only begin a disciplinary investigation when advised by the L.A.D.O. and police that these processes can begin.
- Suspension is always a neutral act and should not be an automatic response. The decision to suspend a member of staff is the employer's only. However, the school will need to draw upon the advice of the L.A.D.O. and Police and, in keeping with the DFE guidance, record the reasons why suspension was chosen over other alternatives.
- The case manager (Head Teacher or nominated governor) will record all actions, discussions and decisions taken in respect of the allegation. They will need to attend strategy meetings chaired by the L.A.D.O. They may wish to be accompanied by their HR Provider.
- The DFE sets out the following definitions which should be used when determining the outcome of allegation investigations:
  - **Substantiated:** there is sufficient evidence to prove the allegation;
  - **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
  - **False:** there is sufficient evidence to disprove the allegation;
  - **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

The DFE also state:

*'Schools may wish to use the additional definition of 'unfounded' to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.'*

- The school will only include in references substantiated allegations.
- The school will retain information about substantiated, false, unfounded and unsubstantiated allegations on personnel files.

- The record of the allegation will be retained until the member of staff's normal retirement age or for a period of ten years from the date of the allegation if that is longer.
- The school will consider what support the member of staff, child and family need throughout the process. In cases of malicious allegations the school will consider whether disciplinary action is appropriate against the child or a referral to the police or Children's Services is required.
- On conclusion of the case the member of the staff will be given a copy of the outcome of the investigation and, where required, supported to return to work. The school has a legal duty to refer to the DBS in line with Keeping Children Safe in Education. The school will not enter into compromise/settlement agreements if a member of staff faces an allegation against them and the agreement prevents sharing concerns about someone's suitability to work with children and/or the member of staff refuses to cooperate with the investigation. (refer to detail of DFE guidance). The school would also still need to conclude its investigation and when required refer to the DBS for consideration of 'barring from working with children'.
- The school has a responsibility to refer to the Secretary of State (National College for Teaching and Leadership) any teacher because of serious misconduct in line with Keeping Children Safe in Education.
- Consideration should also be given to how practices or procedures should be reviewed to help prevent similar events in the future, including the decision to suspend and the length of suspension.



## Summary managing allegations against staff and volunteers procedures

If a member of staff or volunteer has a concern about the behaviour of another adult working in the setting then they should share this concern **without delay** with either:

- The Headteacher (**Case Manager** for allegations against staff) (If the Headteacher is unavailable: Deputy Headteacher or Designated Safeguarding Lead)
- The Nominated Governor (The Chair of Governors is often the nominated **Case Manager** for allegations against the Headteacher)

Rarely a member of staff may need to contact Children's Services or the Local Authority Designated Officer directly or whistle-blow (NSPCC helpline 0800 028 0285 help@nspcc.org.uk)

The Case Manager will then consider the alleged behaviour drawing upon Local Safeguarding Childrens Board Procedures and the DFE guidance Keeping Children Safe in Education. Did they:

- in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behave towards a child or children in a way that indicates he or she would pose a risk of harm to children

Consideration should always be given to the need to immediately protect a child or children and contacting Children's Services and/or Police **without delay**.

Children's Services should be contacted **without delay** to make a referral that will be forwarded to the Local Authority Designated Officer (A L.A.D.O. referral form should be completed). Contact your HR Advisor.

The Local Authority Designated Officer (L.A.D.O.) can be contacted by the Case Manager for guidance. You can also discuss your concerns with HR Advisor or Senior School Improvement Officer.

A referral to Children's Services is **not** required but consideration should be given to a disciplinary investigation. Contact your HR Advisor

The L.A.D.O will have a strategy discussion with police (and other agencies). This may lead to a strategy meeting chaired by the L.A.D.O typically involving the case manager (and HR representative), Police and a Social Worker. The strategy discussion or strategy meeting will include a discussion about:

- the case for suspension or alternatives to suspension
- any investigation undertaken by police
- any assessment being undertaken by Children's Services
- the basis for when the employer can begin a disciplinary investigation
- managing, sharing information and confidentiality issues
- well-being and support needed for all parties

Consideration given to:

- Supporting all parties
- Record keeping
- Outcome letter to member of staff
- Referral to DBS
- Referral to NCTL
- Learning lessons to improve practice
- Feedback to the complainant (data protection consideration)

## **A guide for a member of school staff subject to an allegation that has been referred to the Local Authority Designated Officer for managing allegations against adults working with children**

Any allegation is likely to cause anxiety and concern. This brief guide is to provide you with information if you are subject to an allegation. You can request a copy of the school's Managing Allegations Against Staff procedures and you can also refer to part 4 of the DFE guidance Keeping Children Safe in Education. In addition, you can seek advice from your own union and refer to the Local Safeguarding Children Board's procedures.

### **What happens when an allegation is made?**

The case manager in school (Headteacher) will consider whether the allegation needs to be referred to the police and/or children's services because you may have:

- behaved in a way that has harmed a child or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates you would pose a risk of harm to children

If from the outset there is evidence to suggest the allegation is unfounded, false or malicious then the Headteacher will inform you that no further action will be taken and they will provide support to you. If the above criteria have not been met the school may still need to consider whether your actions or behaviour warrant further disciplinary consideration.

However, when the above criteria have been met the Headteacher will need to refer the allegation to the Local Authority Designated Officer for consideration by children's services and police. A strategy discussion and/or meeting will then take place to determine when you can be told about the allegation and what information you can be given. The strategy meeting will also consider any other children with whom you have significant contact, including your own children. It will also consider whether you need to be suspended from working with children. The decision to suspend you is your employer's decision but they will need to take account of police and children's services views. Alternatives to suspension should always be considered, drawing upon DFE guidance. If you are suspended, in line with your school's disciplinary policy, you will be invited to a meeting to set out the suspension. However, the police and children's services may have advised your school that they are unable to tell you the details of the allegation at this meeting.

Although you will not be able to discuss the allegation with members of the school community, a nominated member of staff will be appointed to liaise with you. They will keep you informed as to the progress of your case. You may be offered counselling services and/or support from occupational health. You should always contact your GP if

you feel your health is being affected. You will be advised about the responsibilities of all parties in respect of confidentiality. You should seek advice from your union or professional body from the outset.

If police and children's services decide to take no further action your school may still need to undertake a disciplinary investigation.

Your school are not able to agree to any reference that does not include any substantiated allegations or comment on your suitability to work with children or any safeguarding concerns. The school will always need to conclude its investigation and even if you choose to resign you will be invited to participate in the investigation. The DFE statutory guidance makes it clear the circumstances in which the school will not be able to enter into settlement/compromise agreement.

Your school may have a statutory responsibility to make a referral to the Disclosure and Barring Service and/or National College for Teaching and Learning.

Reviewed: October 2019

Signed: ..... -Mrs. Maria Lawrence  
Role: Chair of Governors/Safeguarding Governor

Next Review date: October 2020

Signed:  
Role: