Nottinghamshire County Council

St. Luke's C.E (Aided) Primary School

School Employee Code of Conduct 2022-2023

HR Advice, Support and Training Services
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St. Luke's C.E (Aided) Primary School
Employee Code of Conduct – September 2022

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Please also note that any changes to the original policy documentation will require your governing body or trust to re-consult with the secretaries of the recognised trade unions and staff in your school.

1. Introduction

1.1 The Governing Body of the school has adopted this Employee Code of Conduct in the Autumn Term 2022. The governing body will review and monitor the impact of the code and content annually with the head teacher. The next review will take place in the Autumn Term 2023. Governing Bodies should have a policy and process to deal with concerns about staff conduct (including allegations) which do not meet the harms threshold. These are referred to as low-level concerns. The latest version of Keeping Children Safe in Education, **KCSiE** states (paragraph 422) that governing bodies should set out how their low-level concerns policy with their Code of Conduct." This is therefore included as Appendix 1 to this code and replicated in Part 2 of the Disciplinary Procedure Section Two.

1.2 The governing body has adopted the policy set out in this document to provide a clear framework for the exercise of its powers and discretions in relation to all staff employed in the school and other staff (including supply staff, other workers, volunteers and contractors) paid from within the school budget.

1.3 This Code of Conduct should be read in conjunction with the latest version of KCSiE, the School Safeguarding policy and associated appendices, the School Staff Induction Policy, the Disciplinary Procedure for School staff Part 1 Managing Conduct of School staff and Part 2 Managing safeguarding risks and allegations/concerns of harm and abuse made against all school staff and the Whistleblowing and Confidential Reporting Policy. In addition, the governing body should ensure all staff are signposted and have access to all school policies such as Handling possessions

and money, Personal property, Smoking, Social media, Substance misuse, Secondary employment searches.

1.4 Please note the word 'staff' apply to all staff including supply staff, volunteers and contractors throughout this document

1.5 In accordance with the latest DFE 'Keeping Children Safe in Education' effective from 1st September this year, this code has been adopted by this school in order for all school staff to be fully aware of the standards of personal and professional conduct in relation to safeguarding children. This policy supports existing school systems to ensure that all children are safe. The code reinforces the responsibility that all staff have to understand the needs of all pupils and to provide a safe environment in which all children can learn and for all teachers to manage behaviour effectively. It provides a clear framework for staff to understand their responsibilities during the course of their employment for example at induction and at team meetings to ensure the code is understood by all staff; applied appropriately; monitored and positively promoted through discussion in school. Governing bodies should ensure that all staff in school understand their safeguarding responsibilities and how to report all concerns, including low level concerns. Therefore, as part of this requirement the governing body should ensure all staff read at least Section one and Annex A of the latest version of KCSIE statutory guidance.

1.6 Every member of school staff will be required to read this Code of Conduct and date and sign to confirm that they have read and understood the requirements of the Code of Conduct. For new staff it will form part of their induction. Where staff have any questions or concerns about the requirements of this code then advice should be sought from their line manager or the head teacher and reference made to this code.

1.7 All staff have a responsibility to be aware of systems within their school which support safeguarding and any temporary amendment to these should be explained to them by senior managers. This includes this policy, the school's child protection policy, and online safety / acceptable use policy.

1.8 There is an expectation that all employees in this school will conduct themselves in a manner commensurate with the highest standard in order to maintain public trust and confidence in themselves as employees and the school generally, so they are beyond reproach in the performance of their duties.

1.9 Each member of school staff has a duty to ensure that the appropriate standards of conduct are upheld both by themselves and by colleagues and to report safeguarding concerns, allegations and "low level" concerns about staff.

1.10 Part of the responsibilities of Ofsted Inspection is to assure safe and secure provision for children, young people and learners across all remits through effective inspection and regulation. Safeguarding the welfare of children is part of Ofsted's core business for all staff, who are expected to be aware of their responsibilities in this regard. This code of conduct is essential to ensure school staff understand the required expectations of them.

2 Consultation and Agreement with the Recognised Trade Unions

2.1 This Code of Conduct Policy/procedure is recommended for adoption by all community, voluntary aided, voluntary controlled, academy, foundation, and trust schools who purchase their HR Service from Nottinghamshire County Council.

2.2 This **policy/procedure** has been agreed with all of the recognised trade unions through the JCNP process and meet legislative requirements.

2.3 Due to the complexities of this area of employment and education law, governing bodies are strongly advised to adopt the attached policy without amendment. Should, exceptionally, a governing body seek to amend the recommended policy, they will need to consult/negotiate any changes collectively with all the secretaries of the recognised trade unions and confirm any amendments to the local authority. Governing Bodies are strongly recommended to seek advice from the HR service in these circumstances.

3. Equalities and Equal Opportunities

3.1 The governing body recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex, sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

3.2 The governing body is aware of its responsibilities under the Data Protection Act 2018 and the Freedom of Information Act 2000 and to make available this policy to all staff at the school.

4. Aims of the Policy

4.1 The aims of the governing body's Employee Code of Conduct are:

a) To define the responsibilities and standards required of all who work for and behalf of the School
b) To advise staff of the consequences of failing to follow the code of conduct or additional unacceptable behaviour
c) To advise staff that their behaviour outside of the school environment may reflect on their suitability to work with children. Where their behaviour could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, bringing the employer into disrepute or such behavior may result in the prohibition of teaching by the Teacher Regulation Agency, or a bar from another relevant regulatory body
d) Empowering all those who work in the school to share any low-level concerns and create an environment where staff feel confident to self-refer where they might have found themselves in a situation which could be misinterpreted, might

appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

5. Underlying principles

5.1 All school staff must act within the law whilst undertaking their official duties. Staff must not undermine fundamental values, including democracy, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

5.2 Teachers including supply staff and volunteers must have an understanding of, and always act within, the statutory frameworks (for example the latest version of KCSIE and Working Together to Safeguard Children 2018 - **click here)** which set out their professional duties and responsibilities. Where staff are members of professional bodies, they must also comply with any standards of conduct which are set by that body. The conduct of all teachers must always be in line with the Teacher's Standards and Headteachers Standards 2020 **Teacher Standards & Headteacher Standards**. The Teachers' Standards 2012 state that teachers (which includes headteachers and Early Career Teachers (ECT's)), should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties. In addition, staff are expected to pro-actively identify, then access training requirements.

5.3 Staff should always show respect for the rights of others and always put the interests of children first. Staff must have proper and professional regard for the ethos, policies and practices of the school, and maintain high standards in their own conduct, performance, attendance and punctuality. Staff should ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to act inappropriately or to break the law or the policies and procedures of the school.

5.4 Staff are expected to provide the highest possible standard of conduct and service. Where staff are aware of any contraventions of this Code, illegality, misconduct or breach of procedure they should notify their head teacher.

5.5 Staff should apply the same professional standards regardless of culture, disability, sex, language, racial origin, religious belief and sexual orientation

5.6 All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. Therefore, staff should be aware that their behaviour either in or outside of the workplace could compromise their employment position, resulting in the loss of trust and confidence in their ability to protect children, or bringing the school into disrepute. This includes an expectation that all staff conduct themselves appropriately at all times inside and outside of work which includes the requirement to protect their own and other people's safety by following relevant government guidance. Such behaviour by an individual may invoke the

School Disciplinary Procedure/and may result in prohibition from teaching by the Teaching Regulation Agency (TRA), or action by another relevant body.

5.7 Staff should not consume or be under the influence of alcohol or any other substance, including prescribed medication, which may affect their ability to care for children and fulfil every aspect of their role in school. Any concerns should be discussed with the headteacher immediately or in the case of the headteacher the chair of governors.

5.8 Staff need to be aware of their position working with a child/ren in a school are in a position of trust, and fully understand with this role the adult has a position of power or influence. It is vital for staff to understand this power; that the relationship cannot be one between equals. Therefore, all staff should understand that in their position they have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

5.9 The headteacher/Governing body will ensure that processes are in place to ensure the ongoing safeguarding of children. Good safeguarding requires all staff to demonstrate understanding of the school safeguarding procedures and to ensure the safety and welfare of all children is embedded in day to day practice. Staff contribute to continuous vigilance contributing to an environment that deters and prevents abuse and challenges inappropriate behaviour. The school will create the right ethos and culture where staff are confident to discuss matters of concern so that they report concerns that might indicate a person would pose a risk of harm if they continue to work in regular/close contact with children in their present position. This includes all staff, supply staff, volunteers and contractors. The staff in this school must work with other agencies to investigate when someone who has worked at the school has "behaved or may have behaved in a way that indicates they may not be suitable to work with children.''

5.10 All staff are expected to support the school to fully investigate any matters of concern, which includes working with the LADO, social workers, children's social care, the police and other external agencies following any issues of concern or a referral.

5.11 Staff, need to be aware that the school will be working closely and advising supply agencies of its processes for managing allegations. This will ensure that agencies are fully involved and will cooperate in any enquiries from the LADO, Police and/or other children's services. In cases regarding agency supply staff the school will take the lead to investigate concerns / allegations because agencies do not have the direct access when collating the relevant information when an allegation is made.

5.12 The Code does not seek to address every possible circumstance, and simply because a particular action is not addressed within the Code, this does not condone that action by omission. Staff will always be required to exercise their professional judgement and act reasonably. Where a member of staff is unsure about how to respond to a particular situation, guidance and support should be sought from the head teacher, or in the case of concerns about the head teacher, from the Chair of Governors or their employer. Where an employee feels unable to report a concern in this way they should refer to the Whistleblowing and Confidential Reporting Policy

and /or contact an appropriate external agency, the Corporate Director for Children, Young People and Schools, Nottinghamshire County Council or their own professional body.

5.13 A failure to follow this Code could lead to the initiation of the safeguarding / disciplinary procedures.

6. Safeguarding

6.1 Staff must safeguard children's well-being, in accordance with statutory provisions within the provisions of the current version of KCSiE, the local Safeguarding Children Partnership procedures and their school's child protection policy. Staff must report any safeguarding concerns immediately to the designated safeguarding lead in school and ensure the head teacher or chair of governors is informed. All staff have a responsibility to demonstrate understanding of the procedures and take appropriate action and work professionally with other services accessed by the school as required.

6.2 Section 5B of the Female Genital Mutilation Act 2003 places a statutory duty upon teachers, to report to the police cases where they discover that an act of FGM appears to have been carried out on a girl under the age of 18. The teacher should consider and discuss any such case with the school's designated safeguarding lead and involve children's social care as appropriate.

6.3 Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism. All staff must work to protect children from the risk of radicalisation and be aware that this is part of the wider safeguarding duties in the school. Staff must intervene to prevent vulnerable people being radicalised and report any such instances or concerns to the head teacher.

6.4 All staff must understand and be aware of the risks of a child who may need early help and for staff to be alert to modern day slavery, trafficking, sexual or criminal exploitation, where a child has a family member in prison; or is affected by parental offending, for example. Please see paragraph 20, Section One KCSiE. If staff are unsure, they must ensure they always speak to DSL or deputy DSL or the headteacher.

6.5 From induction onwards, all staff must be fully aware of all of the school policies and procedures relating to safeguarding and how to access them as referenced in paragraph 13, Section One KCSiE. In this school the relevant documents are located or may be accessed in the school office. Given their position of trust, all staff must ensure that they do not put themselves in any situation where their conduct or behaviour with any pupil could be misconstrued. Any allegations of inappropriate contact with pupils will be managed in line with the school's child protection procedures, this code, and where appropriate according to the Schools Disciplinary Procedure.

6.6 If a child reports any safeguarding concerns to any member of staff, this must be reported immediately to the designated safeguarding lead, the deputy DSL or head teacher. Staff must not promise confidentiality to a child and always ensure that any actions taken are always in the best interests of a child.

6.7 All schools should promote a culture of openness, trust and transparency. Where a member of staff has any safeguarding or other concern about the conduct or behaviour of another member of staff, the concerns must be reported immediately to the head teacher and where appropriate to the designated safeguarding lead. Concerns about the head teacher should be referred to the chair of governors or their employer. Serious case reviews publicised recently in the media have highlighted missed opportunities to deal with concerns at an early stage because staff have not shared information with the leadership of the school. It is also important that all staff and volunteers should know how to raise concerns about poor or unsafe practices and potential failures in the school's safeguarding regime through the Whistleblowing and Confidential Reporting Policy or by directly **contacting the Local Authority Designated Officer (LADO).**

6.8 **All staff must be aware that it is a criminal offence under the Sexual Offences Act** 2003 (as amended) for anyone to engage in a sexual relationship or grooming for such a relationship with a child aged under 18 with whom they are in a position of trust. It is therefore vital that staff work within appropriate professional boundaries at all times with children and young people with whom they are in a position of trust. If staff, are unsure about what action to take or how they should respond to a particular situation they must immediately contact the designated safeguarding lead/head teacher. Any concerns about an inappropriate relationship between a member of staff and a student/pupil (irrespective of their age) will be fully investigated under the Child protection procedures and where required, the Disciplinary Procedure for school staff as a potential issue of gross misconduct. [1]

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[1] In the Sexual Offences Act 2003 in terms of grooming the person committing the offence has to be over 18 and the victim under 16. The wording regarding grooming is:

(1) A person aged 18 or over (A) commits an offence if—
(a) having met or communicated with another person (B) on at least two earlier occasions, he—
(i) intentionally meets B, or
(ii) travels with the intention of meeting B in any part of the world,
(b) at the time, he intends to do anything to or in respect of B, during or after the meeting and in any part of the world, which if done will involve the commission by A of a relevant offence,
(c) B is under 16, and
(d) A does not reasonably believe that B is 16 or over.
This is from Part 1 Section 15 Meeting a child following sexual grooming etc. of the Sexual Offences Act 2003 (page 7).

In terms of abuse of position of trust: sexual activity with a child then the person committing the offence has to be over 18 and the victim under 18, the wording regarding this is:

(1) A person aged 18 or over (A) commits an offence if—
(a) he intentionally touches another person (B),
(b) the touching is sexual,
(c) A is in a position of trust in relation to B,
(d) where subsection (2) applies, A knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to B, and
(e) either—
(i) B is under 18 and A does not reasonably believe that B is 18 or over, or
(ii) B is under 13.
This is from Part 1 Section 16 abuse of position of trust: sexual activity with a child (page 7-8).

7. Equality issues

7.1 Staff must ensure that equality policies in relation to employment and their duties and responsibilities are adhered to. This school believes in equality of opportunity and will not tolerate any behaviour which could be construed as harassment, intimidation, unfair discrimination or victimisation, by school staff against pupils, colleagues, parents, governors and other visitors. Staff should not by their actions, manner or speech be discriminatory with regards to a person's age, disability, sex, reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or trade union membership. It is important for governing bodies to carry out an Equality Impact Assessment on all policies and continually monitor against inadvertent discriminatory outcomes.

8. Health and safety

8.1 It is the responsibility of all staff, governors, parents and visitors to the school to take reasonable care for the health and safety of themselves and others and to assist in the creation of a safe work environment.

8.2 It is important for all staff to take care of their Mental Health & Wellbeing, including supporting others or recognising when colleagues may need support. It is important for all staff to know where they can seek appropriate support whether this is through the headteacher or further information which can be found on the school website and / or Schools Portal - Mental Health Wellbeing | NCC Schools Portal and Physical Wellbeing | NCC Schools Portal. School to customise any additional sources of support.

8.3 All employees will manage visitors to the school in accordance with the Guidance on Visitors including VIPs to schools

8.3 Staff have a responsibility to inform the head teacher of any medical condition/illness they have during the course of their employment which may impact on their fitness to undertake their duties or on the health and safety of themselves, pupils, other staff, governors of the school or visitors.

9. Relationships and contact between school staff - the public, parents and pupils

9.1 All employees should always act in a courteous, efficient and impartial manner towards all individual pupils, groups of pupils, staff, parents, governors, colleagues and other individuals. Staff must always treat pupils with dignity, building relationships rooted in mutual respect, observing proper boundaries appropriate to their position.

9.2 Guidance on Safer Working Practice is explicit that staff should not establish or seek to establish social contact with pupils for the purpose of securing friendship or to pursue or strengthen a relationship. This is important because:

a) Such contact can blur the professional boundaries between the staff member and pupil;

b) Such contact can compromise confidentiality;

c) Such contact can place both pupil and the staff member in a position of vulnerability;

d) Pupils at the school may struggle to differentiate between the role of staff member and friend and therefore have expectations which the staff member cannot fulfil.

9.3 It is the policy of the school that there will be no personal contact other than in certain exempted circumstances between staff and current/former pupils of school age outside the normal school environment. This includes non-direct contact such as telephone, text messaging, email or social media networking sites. Any proposed work-related contact, outside of the normal working environment, must be agreed in advance by the head teacher, be recorded and monitored. Unexpected contact with pupils should be kept to a minimum, e.g. brief greeting. Any transport of pupils must be agreed in line with the school policy and always agreed with the head teacher.

9.4 Schools staff should use their professional judgement and correspondence received by a member of staff from former pupils, the public or parents or other significant contact should be discussed with their line manager/head teacher as appropriate and filed with any response in the appropriate school records system.

9.5 Staff should be extremely cautious when blogging or using social media networking sites outside of work and avoid publishing, or allowing to be published, any material, including comments or images which could damage their professional reputation, the reputation of the school, and/or bring the school into disrepute. Where staff do choose to use social networking sites it is strongly recommended that profiles should be set as ‘private’ and under no circumstances should staff allow access to pupils, their families and/or carers.

9.6 Staff should not give their personal details such as home/mobile phone number; home email address, or details of web-based identities to pupils, and be professional at all times in accordance with the ethos of this code. If a pupil locates these by any other means and attempts to contact or correspond with a staff member, the employee should not respond and report this matter to the head teacher immediately. Staff should always ensure that their communications with pupils are open and transparent and avoid any communication which could be interpreted as ‘grooming ‘behaviour’. There may be specific situations where contact outside of school is appropriate, for example neighbourhood or family friendships. Where this contact takes place, all staff should immediately disclose and discuss and agree the appropriateness of such contacts with the headteacher.

9.7 Where former pupils who are under the age of 18 and still in receipt of education in whatever educational setting make contact with a member of staff, staff must discuss their response to any such significant contact with their current line manager/head teacher.

9.8 If a former pupil requires assistance or some form of help that lies outside of school, they should be signposted to the relevant services. However, if the head teacher agrees that further contact with the staff member is relevant and appropriate, a clear plan of involvement, including outcomes and timescales must be drawn up and agreed by the head teacher. The head teacher must ensure adequate support/supervision is available to the staff member and all contact be recorded.

9.9 Where a close relationship develops between a member of school staff and an ex-pupil which may raise concerns about the member of staff's suitability to work with children, the head teacher should immediately contact the Local Authority Designated Officer (LADO) for guidance.

9.10 All staff members should also be aware that their 'relationships and associations' (including online) may have an implication for the safeguarding of pupils, and if there are concerns about that, this could result in formal action being taken against the staff member.

10 Infatuations and 'crushes'

10.1 All staff need to recognise that it is not uncommon for pupils to be strongly attracted to a member of staff and/or develop a 'crush' or infatuation. They should make every effort to ensure that their own behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.

10.2 Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the headteacher or chair of governors as appropriate. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

10.3 The headteacher (or senior manager) should give careful thought to those circumstances where the staff member, pupil and their parents/carers should be spoken to and should ensure a plan to manage the situation is put in place. This plan should respond sensitively to the child and staff member and maintain the dignity of all. This plan should involve all parties, be robust and regularly monitored and reviewed.

11. Confidentiality/Disclosure of Information

11.1 The storing and processing of personal information is governed by the General Data Protection Regulations (GPDR) and Data Protection Act 2018. All staff and governors may have access to personal data about pupils and their families which must always be kept confidential and only shared when legally permissible to do so and in the interest of the child, following the principles contained within the legislation. In addition, any matters relating to the school itself apply to all forms of communication, including social networking sites, school and personal email accounts.

11.2 Staff should never share or use confidential or personal information about a pupil or their family for their own, or others advantage (including that of partners, friends, relatives or other organisations)

11.3 Confidential information should never be used casually in conversation or shared with any person other than a need-to-know basis. In circumstances where the pupil's identity does not need to be disclosed the information should be anonymised .

There are some circumstances in which a member of staff is expected to share information about a pupil, for example when abuse is alleged or suspected. All staff must understand that they have a responsibility to pass information on without delay to those with designated safeguarding responsibilities or to the statutory services i.e. the Local Authority Designated Officer (LADO). Staff should not assume that a colleague or another professional will take action and/or share information. The Data Protection Act 2018 does not prevent the sharing of information for the purpose of keeping children safe and fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and safety of children.

11.4 It is extremely important that when any allegation is made whether by a child or another member of staff the school/individual parties involved make every effort to maintain confidentiality and guard against any unwanted publicity while an allegation is being investigated or considered. KCSIE paragraphs 389 - 397 make particular reference to confidentiality and information sharing.

11.6 Staff should always seek advice from their line manager or head teacher on the appropriate use of school data and disclosure of school information, if there is any concern or uncertainty.

12. Use of personal mobile phones, laptops and tablets

12.1 Personal equipment, such as mobile phones, or other photographic equipment must not be used at any time in lessons or during other contact with pupils and should be kept securely with other personal belongings.

12.2 This school should set out in writing the expected arrangements for use of IT and other mobile devices. This will include the specific use of personal mobile equipment where this is required as part of the school security network.

12.3 If there is a requirement for staff to take photographs of children for school purposes this must be carried out using equipment provided by the school and with the agreement of the head teacher, parents and careers in line with the agreed school procedures. Information and images should only be retained for as long as required in line with data protection legislation.

12.4 Schools should provide staff with school mobile telephones for use on school trips.

12.5 Under no circumstances should staff be accessing websites deemed to be unsuitable in an educational setting whether this be on their own personal equipment or the school's equipment. All staff should be aware and understand that this will raise serious concerns about the suitability of the adult to continue working with children.

12.6 Staff should keep their passwords confidential, manage them in accordance with the school data protection policy and not allow unauthorised access to equipment.

13. Use of school premises or facilities for work not connected with the school

13.1 School staff must not use the school's premises or facilities for activities which are not connected with their employment at the school, without agreement from the head teacher or governing body. This includes the personal use of the school building, facilities, email, telephones, computers, photocopiers, or other equipment.

13.2 Internal email systems and school computer equipment should always be used in accordance with the appropriate school policies.

14. School staff facing criminal charges

14.1 Any member of staff, volunteer or governor who during the course of their employment or duties with the school is arrested by the police, faces criminal charges or who receives a new caution or conviction must inform their headteacher, or in the case of the head teacher, the chair of governors and their employer, immediately. A failure to do so may result in the employee being subject to disciplinary action.

15. Childcare (Disqualification) Regulations 2009

15.1 In accordance with the above Regulations, the school has an agreed policy setting out the legal responsibility to ensure that it does not knowingly recruit or continue to employ, a person in relevant employment, who is disqualified under the Regulations as this would constitute a criminal offence. The relevant safer recruitment checks will be undertaken on recruitment to the school and disclosure by an existing employee is an ongoing duty. Where a member of staff or volunteer becomes aware of relevant information that may lead to disqualification during the course of their employment, they must report this information to the head teacher /Chair of Governors immediately.

16. Nepotism

16.1 Any employee who embarks on a close personal relationship with a colleague working in the school setting must declare the relationship to their Headteacher or in the case of the Headteacher the Chair of Governors. No employee should authorise or participate in any decision concerning the employment of another person who is related/or in a relationship with which affects in particular that persons pay, terms and conditions of service, or matters of discipline without consultation with the appropriate governing body committee. The information declared will be recorded on the personal files of both employees and treated in strict confidence.

16.2 Paragraph 16.1 will inform the appointment of appraisers and implementation of the School Appraisal and Pay Policies. In the case of the headteacher who is appraised by the governing body's appointed appraisers, the appointed governors must be suitably impartial , (which must exclude any governor who is also a member of staff, relatives or any others who may have a potential pecuniary interest) and be must supported by an independent, skilled, informed and experienced external adviser who has been appointed by the governing body for that purpose

17. Conflict of interest

17.1 Staff should immediately declare any personal interest that could bring about a potential conflict with the School's interests. School staff must immediately declare to their head teacher or chair of governors any financial interests or non-financial interests which could or could be perceived to conflict with their role within the School.

17.2 Staff are required not to take up employment outside of the school if it conflicts or potentially conflicts with the school's interests. Any staff considering employment with an outside organisation should always seek permission in advance of undertaking any work from their head teacher or chair of governors, as appropriate.

18. Acceptance of gifts

18.1 It is reasonable for a member of staff to accept modest gifts from pupils, especially at the end of a school year or at Christmas. Staff should be mindful that by accepting a gift that it could be perceived that they may potentially be influenced or seen to be influenced in their actions or decisions. The giving or receiving of gifts to or from pupils should be in line with the agreed school policy.

18.2 Similarly, it is inappropriate to give personal gifts to pupils and their families as this may be perceived as either a bribe, favour or grooming activity. Any reward given to a pupil should be in accordance with agreed practice, consistent with the school's behaviour policy.

19. Dress and appearance

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However, staff should select a manner of dress and appearance appropriate to their professional role i.e business casual attire and which may be necessarily different to that adopted in their personal life. Schools should consult with staff what is deemed acceptable/non acceptable, for example they may prohibit jeans. Staff should ensure they are dressed appropriately for the tasks they undertake, for example P.E/Technology. The dress code will be sensitive to cultural, racial, and religious context and apply to all staff equally.

20. This code of conduct does not seek to address every possible circumstance and staff are responsible for exercising professional judgement in referring matters to or seeking advice from the head teacher or governing body as appropriate.

21 Low-level concerns

Refer to Appendix 1 which is an extract from the School Disciplinary procedure Part 2 – Managing safeguarding risks and allegations/concerns of harm and abuse made against all school staff: Section B.

For further information regarding Keeping Children Safe in Education please click on the following link Keeping children safe in education 2022 (publishing.service.gov.uk)

For further information regarding professional standards of conduct please click on the following link GSWP-May-2019-final.pdf and GSWP COVID addendum April 2020 final-1.pdf

Appendix 1: Managing Low level concerns - concerns that do not meet the harm threshold

(Extracted from: School Disciplinary Procedure Part 2 Managing safeguarding risks and allegations/concerns of harm and abuse made against all school staff: Section Two Managing Low level concerns - concerns that do not meet the harm threshold)

Allegations / concerns that do not meet the harms threshold – referred to as "low level" concerns.

Note:

a) *Part B is replicated and forms part of the School Employee Code of Conduct - Appendix 1: Managing Low level concerns - concerns that do not meet the harm threshold***.**
b) Once approved by the governing body, this policy should be shared with all staff, volunteers, supply staff and contractors.

1. **Introduction**

The Governing body adopts this policy and process to manage, take appropriate action and record any **low-level concerns** relating to safeguarding children (including allegations) which do not meet the harm threshold as set out in statutory guidance and paragraph 3. The **School Disciplinary Procedure Part 2 Managing safeguarding risks and allegations / concerns of harm and abuse made against all school staff Section One** sets out the procedures to be followed where the threshold for harm is met**.** The procedures acknowledge that **"low-level" c**oncerns about behaviour or conduct may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the school; or as a result of vetting checks undertaken. The policy and process sets out the appropriate action to be taken to safeguard children.

2. The purpose of the policy

As part of the whole school approach to safeguarding, this policy is intended to:

a) This policy is replicated in full in the **School Employee Staff Code of Conduct** - Appendix 1. The Code sets out the expected behaviour of all staff.

b) promote an open and transparent culture in which all concerns (Low level or otherwise) are reported and managed in line with statutory requirements about all adults working in or on behalf of the school **(including supply teachers, volunteers and contractors)** are dealt with promptly and appropriately.

c) recognise the critical importance of creating a school culture in which **all** concerns about adults (including allegations that do not meet the harms threshold (paragraph 3) are shared responsibly and with the right person, recorded and dealt with appropriately.

d) deal with low level concerns about individuals effectively to ensure that all staff, and others working in the school, are protected against potential false allegations or misunderstandings.

e) encourage an open and transparent culture; enable the school to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that all adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the school.

3. The Allegations threshold

Where the school is required to manage an allegation that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school or college, the **School Disciplinary Procedure Part 2 (A) Managing safeguarding risks and allegations/concerns of harm and abuse made against all school staff** will be followed. This includes all situations where it is alleged that anyone working in the school, including supply teachers, volunteers and contractors has:

a) **behaved in a way that has harmed a child, or may have harmed a child and/or;**

b) **possibly committed a criminal offence against or related to a child and/or;**

c) **behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or**

d) **behaved or may have behaved in a way that indicates they may not be suitable to work with children.**

118 The harm test is explained on the Disclosure and Barring service website on GOV.UK. Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002

If a school is in doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, they should consult with their LADO.

4. Low level concerns: definition

This policy and procedure will be used to manage all reports of "low-level" concern. The headteacher will be the ultimate decision maker in respect of all low-level concerns, although it is recognised that depending on the nature of some, low level concerns and/or the role of the DSL, the headteacher may want to consult with the DSL and take a more collaborative decision-making approach.

The term 'low-level' concern does not mean that it is insignificant, Keeping Children Safe in Education states that it is behaviour towards a child that does not meet the harms threshold: "*A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school may have acted in a way that:*

a) is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and

b) does not meet the harms allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO."

As part of their whole school approach to safeguarding, the Head teacher, governing body and designated safeguarding leads should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

Creating a culture in which **all** concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical.

5. Examples of low-level concern

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

a) being over friendly with children;

b) having favourites;

c) taking photographs of children on their mobile phone;

d) engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,

e) using inappropriate sexualised, intimidating, or offensive language*

> **Please note whilst (a) – (e) above are a direct quote from KCSIE as examples of "low level" concerns" , the LADO does not view (c) , (d) and (e) as low level concerns. Concerns of this nature require urgent discussion / referral to LADO in the first instance. The national LADO network has raised this as an issue with the safeguarding unit of the DFE.*

Potential patterns of concerning, inappropriate, problematic behaviour should be identified and appropriate action either thorough the School Disciplinary procedure or by referral to LADO where the harm threshold is met. Consideration should also be given as to whether there are wider cultural issues within the school that enabled the behaviour to occur and where appropriate policies should be revised, or extra training delivered to minimise the risk of it happening again.

6. Reporting safeguarding concerns, including low level concerns about staff

All staff (including supply staff, volunteers, and contractors) should understand the schools processes and procedures to report and manage any safeguarding concerns about other staff members. In order to ensure that issues are appropriately managed and reported, if staff have safeguarding concerns, low level concerns or otherwise, or an allegation is made about another member of staff (posing a risk of harm to children), then:

a) this should be reported to the headteacher or DSL;

b) where there are concerns/allegations about the headteacher, this should be referred to the chair of governors, chair of the management committee or Trust Board;

c) where an employee or other person working at the school, feels unable to report a concern in this way they should refer to the Whistleblowing and Confidential Reporting Policy and /or contact an appropriate external agency, the Corporate Director for Children, Young People and Schools, Nottinghamshire County Council or their own professional body.

7. Staff code of conduct and safeguarding policies

The School Employee Staff Code of Conduct reinforces professional and appropriate behaviour by setting out the expected standards of personal and professional conduct in relation to safeguarding children. This policy forms part of the Code of Conduct – Appendix 1 and other existing school systems to ensure all children are safe in this school.

8. Behaviour of all staff

All staff are expected to understand the appropriate standards of conduct required and ensure that safeguarding policies and procedures are implemented effectively. Where concerns are raised, the head teacher and the governing body will ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school approach to dealing with **any issues** raised about the conduct of staff. The head teacher and the governing body will achieve the purpose of their low-level concerns policy by, for example:

a) ensuring all staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;

b) empowering staff (including supply staff, volunteers and contractors) to share any low-level safeguarding concerns

c) creating an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

d) addressing unprofessional behaviour and supporting the individual to correct it at an early stage;

e) providing a responsive, sensitive and proportionate handling of such concerns when they are raised; and,

f) helping identify any weakness in the school or colleges safeguarding system.

9. Sharing low-level concerns

The school will ensure that any reported low-level concerns about supply staff and contractors are referred on to their employers, so any potential patterns of inappropriate behaviour can be identified.

10. Recording low-level concerns and confidentiality (GDPR)

All low-level concerns should be recorded in writing. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

The records will be kept confidential, in accordance with the schools Data Protection Policy, held securely to comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). The Act does not prevent the sharing of information for the purposes of keeping children safe and fears of sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.

Records will be reviewed as appropriate so that that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school will decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, a referral to the LADO. The school will keep under review whether there are wider cultural issues within the school that enabled the behaviour to occur and where appropriate policies will be revised or extra training delivered to minimise the risk of it happening again.

Information regarding low level concerns will be retained on the employee's school personnel file

11. References

In accordance with statutory guidance, the school will only provide substantiated safeguarding allegations in references. Low level concerns will not be included in references unless they relate to issues which would normally be included in a reference, for example, where there is evidence of misconduct or poor performance. Low-level concerns which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, they will be referred to in a reference.

12. Responding to and recording low-level concerns

The school will respond to reports of low-level concerns in the following way. If the concern has been raised via a third party, the headteacher/chair of governors or other nominated person will gather as much evidence as possible by speaking:

a) directly to the person who raised the concern, unless it has been raised anonymously;

b) to the individual involved and any witnesses.

c) where appropriate the individuals involved will be asked to provide a written statement

The head teacher, Chair of governors or other nominated person will use the information gathered to help categorise the type of behaviour and determine what further advice and action may need to be taken. The school will record this information together with the rationale and justification for the decision and subsequent action taken**.**

The school recognises that the management of low-level concerns will be a reflection and extension of the School's Employee Code of Conduct/ behaviour policy**.**

More detailed guidance and case studies on low-level concerns can be found in Developing and implementing a low-level concerns policy (farrer.co.uk).

Appendix 2: Employee Code of Conduct

(Name of) School: St. Luke's C.E (Aided) Primary School

Academic Year **2022/2023**

This record of training is part of the Nottinghamshire School Employee Code of Conduct. Each year the school should ensure that all staff and other staff working at the school (including volunteers) are reminded of the Code along with any updates at an appropriate meeting. Staff and volunteers should be asked to read/re-read and sign to confirm their understanding.

I have read, understood and agree to work within the requirements of the 2022/2023 code of conduct adopted by the school.

Print name	Post title	Signature

Documents ends

(05.09.22 AW/TB)

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