

Staff Code of Conduct

2023 POLICY

C Continually strive
for excellence

A Act with integrity
and be respectful
at all times

R Responsive and
flexible to learner
and employer needs

E Encourage and
support high
aspirations

1. Overview

Heart of England Training seeks to provide a safe and supportive environment, which secure the well-being and very best outcomes for learners. This document should clarify what is expected in terms of professional behaviour, give clear advice about what constitutes illegal behaviour and what might be considered as misconduct. It also describes safe practice and which behaviours should be avoided.

If a member of staff does not follow this code of conduct this may lead to disciplinary procedures

There may be times when professional judgements are made in situations not covered by this document or which directly contravene the guidance given by the company. It is expected that in these circumstances staff, to include directors and volunteers (referred to as staff in this policy) will always advise their managers of their justification for any such action already taken or proposed.

2. Core principles

- The welfare of the learners is paramount
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should work and be seen to work in an open and transparent way
- Staff should discuss and or take advice promptly from their manager over any incident, which may give rise to concern
- Records should be made of any such incident and of decisions made or further agreed
- Staff should apply the same professional standards in keeping with the company Equality, Diversity and Inclusion policy
- All staff should be familiar with the company Children and Vulnerable Adults Safeguarding policy and understand their responsibilities to safeguard and protect learners
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them

3. Introduction

This guidance has been produced to help all staff establish the safest possible learning and working environments. The aims are to safeguard young people and vulnerable adults and reduce the risk of staff being falsely accused of improper or unprofessional conduct.

4. Duty of Care

Staff are accountable for the way in which they exercise authority, manage risk, use resources and protect learners from discrimination and avoidable harm.

All staff have a duty to keep young people and vulnerable adults safe and to protect them from physical and emotional harm. This duty is in part exercised through the development of respectful, caring and professional relationships between staff that demonstrate integrity, maturity and good judgement.

There are legitimate high expectations about the nature of the professional involvement of staff in the lives of learners. When individuals accept a role that involves working with young people and vulnerable adults, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers have a duty of care towards their employees which requires them to provide a safe working environment for staff and guidance about safe working practices.

5. Exercise of professional judgement

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour that is illegal, inappropriate or inadvisable. There will be occasions and circumstances in which staff have to make decisions or take action in the best interests of the learners which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour and the behaviour of any visitors to the centres, in order to secure the best interest and welfare of the learners and in so doing, will be seen to be acting reasonably.

6. Power and positions of trust

All staff working with learners in education are in positions of trust in relation to the young people and vulnerable adults. A relationship between a member of staff and a learner cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people, staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff should always maintain appropriate professionalism and wherever possible, they should avoid behaviour which might be misinterpreted by others, and report and record any incident with this potential.

Where a person aged 18 or over is in a position of trust with an 'underage child, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity. Where a person aged 18 or over is in a position of trust established with a person who has only recently left a training programme, any attempt to engage in sexual activity with that person will be a cause for concern and will be treated as a breach of trust established in that prior relationship.

7. Confidentiality

Staff may have access to confidential information about learners in order to undertake their everyday responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a learner or his/her family for their own, or others advantage. Information must never be used to intimidate, humiliate, or embarrass the learner.

Confidential information about learners should never be used casually in conversation or shared with any person other than on a need to know basis. In circumstances where the learner's identity does not need to be disclosed the information should be used anonymously.

There are some circumstances in which a member of staff may be expected to share information about a learner, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated child protection/safeguarding responsibilities.

If a member of staff is in any doubt about whether to share information or keep it confidential, he or she should seek guidance from their manager and or the Data Protection Officer. Any media or legal enquiries should be passed to a director.

Staff need to be aware that although it is important to listen to and support learners, they must not promise confidentiality or request learners to do the same under any circumstances.

Additionally concerns and allegations about staff should be treated as confidential and passed to a manager without delay.

8. Propriety and behaviour

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interest of the learners. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, learners, employers and the public in general.

An individual's behaviour either in or out of the workplace, should not compromise her or his position within the work setting so it is important to exercise due care and attention when outside the company environment.

Membership of organisations whose goals are in conflict with the values and equality policies of the company is not acceptable.

9. Dress and appearance

Staff should consider the manner of dress and appearance appropriate to their professional role. The company requires learners to be smart and in uniform where required. Smart and professional appearance is expected at all times for staff. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake and to wear their allocated identity lanyard.

Those who dress or appear in a manner which could be considered as inappropriate (which might include tattoos, piercings, and ostentatious jewellery) could render themselves vulnerable to criticism or allegation. Appropriate personal presentation is expected of staff.

10. Gifts

Staff should be aware of the company's policy regarding arrangements for the declaration of gifts received and given.

Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when a learner or parents/guardians wish to pass small tokens of appreciation to staff, for example at Christmas or as a thank-you, and this is acceptable. However, it is unacceptable to receive gifts on a regular basis of any significant value. Any member of staff concerned about whether they or their colleagues may be at risk of giving or receiving a bribe (financial or otherwise) should contact their manager.

Members of staff may not give personal gifts to learners. It is acceptable for staff to offer prizes of small value in certain tasks or competitions.

11. Infatuations

Staff need to be aware that it is not uncommon for learners to be strongly attracted to a member of staff and/or develop an infatuation. Staff should be aware that such circumstances always carry a high risk of words or actions being misinterpreted and for allegations to be made against staff.

A member of staff who becomes aware that a learner may be infatuated with themselves or a colleague should discuss this at the earliest opportunity with a manager so that appropriate action can be taken. In this way, steps can be taken to avoid hurt and distress for all concerned.

12. Personal living space

No learner should be in or invited into the home of a member of staff unless reason for this has been firmly established and agreed with parents/guardians and a manager.

13. Communication with learners (including the use of technology)

Communication between learners and staff by whatever method should take place within clear and explicit boundaries. This includes the wider use of technology such as mobile telephones, text messaging, emails, digital cameras, videos, web-cams, websites, social networking sites, online gaming and blogs. Staff should not share any personal information with a learner. They should not request or respond to any personal information from the learner other than that which might be appropriate as part of their professional role. Staff should ensure that all communications are transparent and open to scrutiny.

Staff should also be circumspect in their communications with learners so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to learners including email, home or mobile telephones numbers, unless the need to do so is agreed with a manager and parents/guardians. Email or text communications between staff and a learner outside agreed protocols may lead to disciplinary and or criminal investigations. This also includes communications through internet based web sites, such as social networking, instant messaging or gaming.

Communication with former learners who are over 18 and not vulnerable is left to staff discretion. Please be conscious of the fact that former learners may be in contact with current learners.

Be aware that actions that bring the company into disrepute could lead to disciplinary procedures being taken.

14. Social contact

Staff should not establish or seek to establish social contact with learners or their families for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her or his professional judgement in making a response but should always discuss this with a manager. Staff must be aware that social contact, in certain situations, could be misconstrued as grooming.

Staff should not give their personal details such as their home or email address, social network sites, gamer tags or web pages to learners unless the need to do so is agreed with a manager. If learners do become aware of your gamer tag, you must change it.

15. Social networking sites and online gaming

Heart of England Training staff may use social networking sites for personal use. However, the company requires that profile and photographs of the member of staff are 'locked down' as private so that learners or parents/guardians do not have access to your personal data or images.

Staff must deny current or recent learners access to your profile so you do not put yourself in a vulnerable position.

Staff should be aware that they leave themselves open to a charge of professional misconduct if images of a member of staff in a compromising situation are made available on a public profile by anyone.

If a learner does gain access to the profile of a member of staff by fraudulent means (impersonation or hacking) managers should be informed immediately.

Where relationships exist between staff and those who are parents/guardians of a young or vulnerable adult learner, social networking is acceptable but caution must be exercised so that professional standards are maintained and staff do not compromise themselves or the company.

As soon as a member of staff becomes aware that they are in an online game with a learner, the member of staff should cease to play against that learner and should not enter any games containing that player as part of the group.

Under no circumstances should staff seek out learners and/or share their own gamer tags/ID with learners or use company equipment to play online games.

16. Physical contact

There are occasions when it is entirely appropriate and proper for staff to have physical contact with learners, but it is crucial that they only do so in ways appropriate to their professional role.

A ‘no touch’ approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with learners this should be in response to their needs at the time, of limited duration and appropriate.

Staff should use their professional judgement at all times about the appropriateness of any physical contact.

Physical contact should never be secretive, or for the gratification of the member of staff or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be made clear to managers.

Physical contact, which occurs regularly with an individual learner, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to learners with special educational needs or disabilities) Any such contact should be the subject of an agreed and open policy and subject to review.

17. Sport and other activities which require physical contact

Some staff, for example, those who train sport, will on occasions have to initiate physical contact with learners in order to support them to perform a task safely, to demonstrate the use of a particular piece of equipment or assist them with an exercise. This should be done with the learner’s agreement.

Contact under these circumstances should be for a minimum time necessary to complete the activity and take place in an open environment. Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the learner.

18. Showers and changing

Learners are entitled to respect and privacy when changing clothes or taking a shower. However, there needs to be an appropriate level of supervision in order to safeguard learners, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the learners concerned and sensitive to the potential for embarrassment.

Staff therefore need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the learners.

19. Learners in distress

There may be occasions when a distressed learner needs comfort and reassurance. This may include age – appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.

Where a member of staff has a particular concern about the need to provide this type of care and reassurance, she or he should seek further advice from a manager.

20. Behaviour management

All learners have a right to be treated with respect and dignity. Staff should not use any form of degrading treatment to punish a learner. The use of humour can help to defuse a situation. The use of sarcasm, demeaning or insensitive comments towards learners is not acceptable in any situation.

21. Care, control and physical intervention

Staff may legitimately intervene to prevent a learner from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behaviour prejudicial to good order, and to maintain good order and discipline. Staff should have regard to the health and safety of themselves and others.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence.

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

22. Sexual contact with learners

Any sexual behaviour by a member of staff with or towards a learner is both inappropriate and if under age, illegal. Learners are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether the young person or vulnerable adult consents or not. This includes prohibition on staff in a position of trust.

The sexual activity referred to also includes non-contact activities, such as causing a young person or vulnerable adult to engage in or watch sexual activity or the production of pornographic material.

There are some occasions when adults embark on a course of behaviour known as ‘grooming’ where the sole purpose is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. Staff should be aware that conferring special attention and favour upon

a young or vulnerable learner might be construed as being part of a ‘grooming’ process which is an offence.

23. One to one situations

Staff working in one to one situations with learners are more vulnerable to allegations and should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure the safety and security needs of both staff and learner are met.

24. Transporting learners

In certain situations, for example out of centre activities, staff may agree to transport learners. A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements to include parent/guardian consent forms where relevant, and to respond to any difficulties that may arise.

Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting as an escort.

The driver must also have appropriate insurance.

Staff should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They should ensure that the vehicle is roadworthy and appropriately insured and that the maximum capacity is not exceeded.

25. Extra-curricular activities

Staff should take particular care when supervising learners in the less formal atmosphere of off-site activities.

During off-site activities a more relaxed discipline or informal dress and language code may be acceptable. However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Health and safety arrangements require members of staff to keep managers aware of their whereabouts, especially when involved in off-site activities.

26. Photography, videos and other creative arts

Many activities involve recording images. These may be undertaken as part of the curriculum, off-site activities, for publicity or to celebrate achievement.

Staff need to be aware of the potential for these aspects of training to be misused for pornographic or ‘grooming’ purposes. Careful consideration should be given as to how these activities are organised and undertaken.

Using images of learners for company publicity purposes has already had the consent of parents/guardians where relevant but staff are advised to always check. Images should not be displayed on other websites, in publications or in a public place without additional consent.

27. Internet use

Heart of England Training has a clear policy about access to and the use of the internet. Please refer to the Email and Internet Computer Usage policy, Social Media policy and Data Protection Policy - GDPR for further guidance.

Under no circumstances should staff access inappropriate images. Accessing child pornography or indecent images of children on the internet, and making, storing or disseminating such material, is illegal and if proven, will invariably lead to the individual being barred from working with children and young adults.

Using company equipment to access inappropriate or indecent material, including adult pornography would normally lead to disciplinary action, particularly if as a result learners might be exposed to inappropriate or indecent material.

28. Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Please refer to the company Safeguarding Whistleblowing policy.

Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of managers and/or relevant external agencies. This is particularly important where the welfare of young people and vulnerable adults may be at risk.

29. Sharing concerns and recording incidents

All staff should be aware of the company's Children and Vulnerable Adults Safeguarding policy, including procedures for dealing with allegations against staff. Staff who are the subject of allegations may wish to contact their own representation.

In the event of an incident occurring, which may result in an action being misinterpreted and/or an allegation being made against a member of staff, the relevant information should be clearly and promptly recorded and reported to managers. Early discussion with a parent/guardian where relevant could avoid any misunderstanding.

Members of staff should feel able to discuss with their manager any difficulties or problems that may affect their relationship with learners so that appropriate support can be provided or action can be taken.

30. Protocol for online meetings

Do:

- Ensure you have agreed the protocols and timing of all one to one on-line activity with under 18s or vulnerable adults with parents / carers prior to the one to one taking place, including appropriate location, dress and conduct. The one to one must then take place only at the days / times agreed. Parents and carers should be present in the home at the time.
- Get written consent from parents or guardians for learners under 18 to be involved in online lessons and recordings.
- Ensure you have latest version of meeting platform (Teams/Zoom) loaded before scheduled calls. Test your audio and video before a scheduled call.
- If at any time you feel uncomfortable with something done or said during a one to one call, you should end the call as soon as possible and report any concerns to your manager and / or safeguarding officer.
- Record all sessions so that the video can be reviewed if any issues arise. Remind learners that all audio/video may be recorded, to safeguard both parties and this wouldn't routinely be shared.
- Be punctual and courteous. Introduce yourself and take note of other attendees' names so you can address them by name. Turn off call tone on your 'phone. Treat this just like you would a face to face meeting with a learner, colleague or other adult.
- Conduct yourself in a professional manner.
- Conduct video calls to learners or colleagues from a desk or other appropriate location.
- Look at your screen, pay attention to others and when speaking make sure to look at your camera. Your video image reflection is your best reference, you can see yourself and your surroundings just as others on the call can.
- Use the Heart of England Training background. Position yourself without other people or pets in view; what's around and behind may be seen.
- Make sure you have good light. Adjust lighting or use a portable light source to make sure you have good lighting on you from the front without having to look directly into a harsh light, eg: by pointing a strong desk lamp at the wall you're facing.
- Ensure you are appropriately dressed; professional at all times.
- Mute your microphone when not needing to talk to avoid background noise.
- Keep sessions to a reasonable length.

- Consider posting your comments/questions on completion of the on-line conversation, in the Team Chat window.

Do not:

- Conduct a video call if it would be inappropriate to meet face-to-face.
- Multi-task; your audience will be aware.
- Shout; the other participants will tell you if they cannot hear.
- Click your pen, tap on your desk or anything else annoying or distracting.
- Eat or drink, other than water.
- Leave multiple applications open during the call as it may affect the quality or disclose sensitive information through screen sharing.
- Wear stripes or heavy patterns creating pixelation of images.

31. Useful further guidance

<https://www.tes.com/news/coronavirus-10-safeguarding-rules-teachers-home>
<https://learning.nspcc.org.uk/news/2020/march/undertaking-remote-teaching-safely/>
<https://www.nspcc.org.uk/keeping-children-safe/online-safety/internet-connected-devices/>

Heart of England Training has a legal obligation to report to the Disclosure and Barring Service if a member of staff has been dismissed, resigned or removed from working in regulated activity, because they have harmed someone.

This policy is reviewed annually by the company directors and governors.

Version: 11

Prepared by: Directors

Approved by: Governors

Effective date: August 2023

Review date: July 2023

Date to be reviewed: July 2024