



POLICIES AND PROCEDURES

CODE OF CONDUCT

Date of Issue: October 2017

Date of Review: July 2018

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**Schools,
teachers and
pupils freed
to succeed.**
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This policy should be read in conjunction with Burnt Mill Academy Trust's single equality Policy. This policy reflects measures established in law through the **Equality Act 2010** and emphasises that Burnt Mill Academy Trust opposes all forms of racism, homophobia, prejudice and discrimination.

The **Equality Act 2010** replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act.

We are committed to the promotion of community cohesion at Academy Trust, local, national and global levels, comparing our Academy Trust community to its local and national context and implementing all necessary actions in relation to:

- ethnicity,
- religion or belief, and
- socio-economic background.

In accordance with the values of Burnt Mill Academy Trust we pledge:

- to respect the equal human rights of all our pupils;
- to educate them about equality; and
- to respect the equal rights of our staff and other members of the Academy Trust community.

We will assess and analyse our current Trust practices and implement all necessary resulting actions to ensure pupils are not discriminated against because of their:

- Age
- Disability
- Gender re-assignment
- Marriage and Civil Partnership
- Pregnancy or maternity
- Race
- Religion/belief
- Sex
- Sexual orientation

These '**Protected characteristics**' have been set out in law in the **Equality Act 2010**.

Burnt Mill Academy Trust is committed to eliminating practices which could result in unfair or less favourable treatment for persons with a protected characteristic.

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1. Introduction

- 1.1 The Directors and Local Advisory Boards are committed to providing a professional and ethical environment, which serves and protects the whole education community. Certain expectations for good conduct are described in specific policies and procedures e.g. Disciplinary Procedure, Equality and Diversity in Employment Policy, Recruitment Policy and professional expectations are set out in national and local conditions of service and by relevant professional bodies. This policy supplements these provisions and provides additional guidance for employees and individuals engaged to work within BMAT.
- 1.2 The overriding expectation is that employees and those engaged to work within BMAT will adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, pupils or students, the public in general and all those with whom they work or come into contact within the course of their employment or engagement by the Trust.

This means that employees and those engaged to work in the BMAT should not:

- Behave through words, actions or inaction in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model.

2. Scope

- 2.1 This Code sets out the professional standards expected and the duty upon all staff, Directors, Local Advisory Board members and volunteers to abide by it. All staff (including whether or not paid or unpaid, employed or self-employed and whether or not employed directly or engaged by BMAT and schools within BMAT including, supply staff, external contractors providing services to pupils on behalf of the School/Trust, teacher trainees and other trainees/apprentices, volunteers and any other individuals who work for or provide services on behalf of or for the School/Trust to include but not limited to all those detailed in the single central record) have a duty to keep pupils safe, promote their welfare and to protect them from radicalisation (the Prevent duty), abuse (sexual, physical and emotional harm) neglect and safeguarding concerns. This duty is, in part, exercised through the development of respectful, caring and professional relationships between adults and pupils and behaviour by adults that demonstrates integrity, maturity and good judgement. Following this Code will help to safeguard staff, Directors, LAB members and volunteers from being maliciously, falsely or mistakenly suspected or accused of misconduct in relation to pupils and the required professional standards.
- 2.2 For the purposes of this Code ‘young person/people’, ‘pupils’ and ‘child/ren’ includes all those for whom BMAT provides education or other services.
- Staff, Directors, LAB members and volunteers must raise issues of concern and everyone must fully recognise the duty to do so particularly in terms of safeguarding, child protection, welfare or radicalisation concerns by following the Whistleblowing Policy. Adults have a duty to follow school procedure in accordance with the Child Protection and Safeguarding Policy in reporting any child protection or welfare concerns to the Designated Safeguarding Lead. A member of staff who, in good faith, “whistleblows” or makes a public interest disclosure will have the protection of the relevant legislation.
- 2.3 This Code takes account of the most recent versions of the following guidance (statutory and non-statutory); ‘Keeping Children Safe in Education’ Department of Education (‘DfE’) (statutory), Working together to safeguard children’ HM Government (statutory) and ‘Guidance for safer working practice for those working with children and young people in education settings’ (non statutory). This Code cannot provide an exhaustive list of what is, or is not, appropriate behaviour for staff, LAB members, engaged workers or volunteers.

However, it does highlight behaviour that is illegal, inappropriate or inadvisable in relation to the professional standards and expectations. There will be occasions and circumstances in which staff, LAB members or volunteers have to make decisions or take action in the best interests of the student where no specific guidance has been given. Adults are expected to make responsible and informed judgements about their own behaviour in order to secure the best interests and welfare of the pupils for which that individual is responsible.

2.4 Any breaches of this Code by staff will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The Trust will take a strict approach to serious breaches of this Code.

2.5 Allegations of Abuse against Teachers and Other Staff and Volunteers

Where it is alleged that an adult has:

- 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 s/he is unsuitable to work with children and pose a risk of harm to children,

the governing body will follow the Trust Policy and Procedures for [Dealing with Allegations of Abuse against Teachers and other Staff and Volunteers](#) and the guidance set out in Part Four of [Keeping Children Safe in Education DfE](#) September 2016.

3. Roles and responsibilities

3.1 Local Advisory Board/Directors

It is the responsibility of the Local Advisory Board/Directors to establish and monitor standards of conduct and behaviour within the BMAT schools, including the establishment of relevant policies and procedures. This policy will be reviewed by the Board of Directors as necessary.

3.2 Executive Head Teachers/Head Teachers/Heads of School and Line Managers Monitoring and Review

The Executive Headteacher/Head Teachers/Heads of School are responsible for monitoring the implementation, use and effectiveness of this policy in their schools and will report on these matters annually or more frequently if necessary.

It is the responsibility of Executive Head Teachers, Head Teachers/Heads of School and Line Managers to address promptly any breaches of good conduct and behaviour, using informal procedures where possible but implementing formal procedures where necessary.

3.3 Employees, Volunteers and External Service Providers

All adults have a duty to act in accordance with the Safeguarding and Child Protection Policy and report any safeguarding, child protection, welfare or radicalisation concerns about a student to the Designated Safeguarding Lead. It is the responsibility of all employees, volunteers and service providers to familiarise themselves, and comply with this policy and all procedures, conditions of service and relevant professional standards.

For engaged workers and volunteers, this code applies in so far as specific provisions are relevant to the role they are performing within BMAT schools.

4. Safer Practice for Work with Children and Young People

It is important that all adults working with children understand that the nature of their work and the responsibilities related to it, place them in a position of trust. **Adults must be clear about appropriate and safe behaviours for working with children in paid or unpaid capacities, in all settings and in all contexts.**

4.1 Underpinning Principles

- i) The welfare of the child is paramount.
- ii) It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.
- iii) Adults who work with children 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.
- iv) Adults should work and be seen to work, in an open and transparent way.
- v) Adults should continually monitor and review their practice and ensure they follow guidance contained in this document.

4.2 Expected Professional Standards

All staff, Directors, LAB, external service providers and volunteers as appropriate to the role and/or job description of the individual, must:

- place the well-being and learning of pupils at the center of their professional practice.
- have high expectations for all pupils, be committed to addressing underachievement, and work to help pupils progress regardless of their background and personal circumstances.
- treat pupils fairly and with respect, take their knowledge, views, opinions and feelings seriously, and value diversity and individuality.
- model the characteristics they are trying to inspire in pupils, including enthusiasm for learning, a spirit of enquiry, honesty, tolerance, social responsibility, patience, and a genuine concern for other people.
- respond sensitively to the differences in the home backgrounds and circumstances of pupils, recognising the key role that parents and carers play in pupils' education.
- seek to work in partnership with parents and carers, respecting their views and promoting understanding and co-operation to support the young person's learning and well-being in and out of school.
- reflect on their own practice, develop their skills, knowledge and expertise, and adapt appropriately to learn with and from colleagues.
- ensure that the same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.

4.3 Teachers are required to comply with the Teachers' Standards September 1st 2012, in particular Part 2 Personal and Professional Standards.

4.4 All adults must be familiar with and act in accordance with the most recent versions of the following documents: Part 1 of Keeping Children Safe in Education DfE September 2016 (statutory), Working Together to Safeguard Children HM Government (statutory), Prevent Duty Guidance HM Government (statutory), 'The Prevent duty departmental advice for schools and childcare providers' DfE and 'Guidance for safer working practice for those working with children and young people in education settings' (non statutory).

4.5 A staff member who fails to bring a matter of concern to the attention of senior management and/or the relevant agencies is likely to be subject to disciplinary action.

Appendix A sets out guidance on safer working practices which all employees are expected to follow. This guidance is to be read in conjunction with Child Protection Procedures and Behaviour Management and other relevant policies.

5 Reporting breaches of standards of good conduct

There is an expectation that all employees will provide the highest possible standard of service and care to all those in the Burnt Mill Academy Trust schools through the performance of their duties. Furthermore, the Local Advisory Board/Directors are committed to achieving high standards of integrity and accountability and expect the same commitment from its employees and others working in or for Burnt Mill Academy Trust. As such the Directors/LAB wish to promote an open environment that enables staff to raise issues in a constructive way and with confidence that they will be acted upon appropriately without fear of recrimination.

Adults must raise concerns they have about the safeguarding or child protection practices by following the whistleblowing Policy. An Adult who 'whistle blows' or makes a public interest disclosure will have the protection of the relevant legislation. All employees will be expected to bring to the attention of their Line Manager, any deficiency in the provision of service or care. Employees must report to the appropriate manager/Local Advisory Board/Directors any impropriety or breach of policy. In the event that the concern is not resolved by the employee's line manager or by another appropriate manager, employees may follow the procedure set out in the Whistleblowing policy set out at Appendix D.

5.1 Whistleblowing

5.1.1 Whistleblowing ("protected disclosure") occurs when an employee or worker provides certain types of information, usually to the employer or a prescribed body, which has come to their attention through work. The disclosure may be about the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, or any third party. Whistleblowing is therefore 'making a disclosure in the public interest' and occurs when a worker raises a concern about danger or illegality that affects others, for example pupils in the Academy Trust or members of the public.

Employees and workers who make a 'protected disclosure' are protected from being subjected to a detriment or being dismissed as a result of making the disclosure. The key piece of legislation is the Public Interest Disclosure Act 1998 (PIDA) ("the Act") which applies to almost all workers and employees, including agency workers and self-employed workers. The provisions of the Act have been supplemented by the Enterprise and Regulatory Reform Act 2013.

The Act affords protection against dismissal or detriment where an employee discloses information relating to:

- a breach of any legal obligation
- a miscarriage of justice
- a criminal offence
- a danger to the Health and Safety of any individual
- damage to the environment
- deliberate concealment of information about any of the above.

5.1.2 To qualify for protection the employee must believe that they are telling the appropriate person and they must have reasonable grounds for belief in the disclosure. The employee must also reasonably believe that making the disclosure is in the public interest. The employee should usually have raised the matter internally prior to making a protected disclosure. Disclosures are only protected if made to the employer/some other person responsible for the matter/regulatory body. There is a list of prescribed bodies to whom disclosures can be made, depending on the nature of the disclosure.

5.1.3 This procedure should be used where the concern is about the consequences for other employees or the public. If the concern is about employees being disadvantaged by the

action or failure to take action of others, then that should be pursued through the BMAT grievance procedure.

- 5.1.4 In all cases employees may wish to seek advice from their professional association /trade union before making a protected disclosure. Further details on the Whistleblowing procedure can be found in Appendix D.

6. Confidentiality

Working in the BMAT environment means having access, in a variety of ways, to information that must be regarded as confidential. As a general rule, all information received in the course of employment or whilst being engaged by the Burnt Mill Academy Trust, no matter how it is received, should be regarded as sensitive and confidential. Employees should use their discretion regarding these matters, and should seek further advice from their line manager or the Headteacher, as appropriate.

All workers and volunteers must be aware that they may be obliged to disclose information relating to child protection issues and should make it clear to the individual either that confidentiality cannot be guaranteed and/or decline to receive the information and direct them to a more appropriate colleague.

- As data controllers, all BMAT schools are subject to the Data Protection Act 1998. In addition, teachers owe a common law duty of care to safeguard the welfare of their pupils. This duty is acknowledged in the provisions governing disclosure of information about pupils.
- Adults may have access to confidential information about pupils in order to undertake their responsibilities. In some circumstances the information may be sensitive data and/or confidential. Confidential or personal information about a pupil or her/his family must never be disclosed to anyone other than on a need to know basis and advice should be sought prior to disclosure to ensure such disclosure is in accordance with the Data Protection Act 1998, The Education (Pupil Information) Regulations 2005 (maintained schools), The ICO 'Guide to Data Protection' and the ICO guide on 'How to Disclose Information Safely'. In circumstances where the pupil's identity does not need to be disclosed the information should be used anonymously. Information must never be used to intimidate, humiliate, or embarrass the pupil. Information must never be used by anyone for their own or others advantage (including that of partners, friends relatives or other organisations).
- There are some circumstances in which an Adult may be expected to share information about a pupil, for example when abuse is alleged or suspected. In such cases, adults have a duty to pass information on without delay to those with designated safeguarding responsibilities.
- Confidential information about pupils must be held securely. Confidential information about pupils must not be held off the School site other than on security protected School equipment. Information must only be stored for the length of time necessary to discharge the task for which it is required.
- If a pupil or parent/carer makes a disclosure regarding abuse or neglect, the adult must follow the School's procedures and the guidance as set out in Keeping Children Safe in Education DfE. Confidentiality must not be promised to the pupil or parent/carer however reassurance should be given that the information will be treated sensitively.

- If an adult is in any doubt about the storage or sharing of information s/he must seek guidance from the Designated Safeguarding Lead. Any media or legal enquiries must be passed to senior management.

6.1 Discussions outside work

Employees should have regard to potential difficulties which may arise as a result of discussions outside work. While it is natural to talk about work at home or socially, employees should be cautious about discussing specific and sensitive matters and should take steps to ensure that information is not passed on. Employees should be particularly aware that many people will have a direct interest in Burnt Mill Academy Trust and even the closest of friends may inadvertently use information gleaned through casual discussion. In particular, employees need to understand the implications of discussions on social networking sites (see section 8).

6.2 Types of confidential information

- 6.2.1 Information that is regarded as confidential can relate to a variety of people e.g. pupils, parents, employees, casual and agency workers, LAB Members or job applicants and a variety of matters, for example, personal information, conduct and performance, health, pay, internal minutes etc.
- 6.2.2 Confidential information can take various forms and be held and transmitted in a variety of ways e.g. manual records (files, reports, notes), computerised records and disks, telephone calls, face-to-face, fax, email, intranet/internet.
- 6.2.3 The methods of acquiring information can also vary. Individuals and groups may become aware of confidential information in the following ways:
 - access is gained as part of the employee's day to day work;
 - information is supplied openly by an external third party;
 - employees may inadvertently become aware of information;

6.3 Sharing Information

While it is often necessary to share such information, in doing so, employees should consider the following key points:

- The nature of the information:
 - how sensitive is the information;
 - how did it come to your attention;
- The appropriate audience:
 - who does the information need to be shared with;
 - for what purpose;
 - who is the information being copied to? and why;
 - does restriction of access need to be passed on to your audience;
 - the most appropriate method of communication e.g. verbal, written, email, in person;
 - the potential consequences of inappropriate communication;
 - it is also an individual employee's responsibility to safeguard sensitive information in their possession
- 6.3.1 Within the course of daily operation, information related to Burnt Mill Academy Trust or those connected with it, may be requested by, supplied by, or passed to a range of people. This might include internal colleagues, pupils, LAB Members, trade unions, parents, the local authority, Dept. of Education and contractors.
- 6.3.2 Clearly, the sensitivity of the information will be partly dependent upon the recipient/supplier and the manner in which it is transferred.
- 6.3.3 Particular responsibilities are:

- Personal (e.g. home addresses and telephone numbers) and work-related information (e.g. salary details, medical details) relating to individuals, should not be disclosed to third parties except where the individual has given their express permission (e.g. where they are key holders) or where this is necessary to the particular work being undertaken, **e.g. it is necessary for an individual to be written to;**
- If someone requesting information is not known to Burnt Mill Academy Trust schools, particularly in the case of telephone calls, his/her identity and the legitimacy of his/her request should be verified by calling them back. A person with a genuine reason for seeking information will not mind this safety measure. It is a requirement under the Data Protection Act 1998 that action is taken to ensure the validity of any caller even if they state they have a statutory right to the information requested.
- Wherever possible requests for information should be made in writing.
- The same principle applies when sending emails and faxes. Employees should always check that the information is going to the correct person and is marked confidential where appropriate;
- Being known as an employee of a BMAT school may mean being asked for information, for instance, by parents about a member of staff who is off sick. Although this can be awkward, parents must be informed that employees are unable to discuss confidential matters. Persistent enquiries should be referred to the line manager;
- The Data Protection Act 1998 refers to the principle of third party confidentiality. Information relating to, or provided by, a third party should not be released without the written consent of the third party or unless an 'order for disclosure' is made by a court of competent jurisdiction.

6.3.4 A variety of phrases may be used on correspondence to denote confidentiality.

As a general rule:

- post marked 'personal' or 'for the attention of the addressee only' should only be opened **by the addressee personally;**
- post marked 'private' and/or 'confidential' may be opened by those responsible for distributing post within BMAT.

Confidential mail which is then forwarded internally should continue to carry a confidential tag.

6.4 Responsibility of employees in possession of sensitive information

6.4.1 Employees have a responsibility to make sure sensitive information is used and stored securely.

They should:

- make sure filing cabinets are kept locked when unattended;
- make sure sensitive information is not left on desks or the photocopier/fax/printer;
- make sure papers are not left lying around at home or in the car. If confidential materials or paperwork are taken away from BMAT Schools, precautions must be taken to ensure they are not accessible to third parties;
- make sure appropriate steps are taken to keep track of files which are on loan or being worked on i.e. a record of the date sent and the recipient's name and position;
- make sure, if it is necessary to supply personal files through the external mail, these are sent recorded delivery;
- make sure copies of faxes and emails are stored securely;
- make sure steps are taken to ensure that private/confidential telephone calls/conversations are not overheard;
- make sure meetings where sensitive or confidential information is being discussed are held in a secure environment;
- make sure confidential paperwork is disposed of correctly either by shredding or using the confidential waste facility;

- make sure personal data is not used for training or demonstration purposes where fictional data can be used;
- make sure line managers comply with the procedures for the storage and sharing of information relating to individuals' performance management reviews.

6.4.2 Employees have a responsibility to make sure computer data is used and stored securely.

They should:

- make sure computer data is not left exposed to others' view when unattended, or when using computers for sensitive data where other employees may have sight of such data – **screen savers should be used where appropriate** ;
- make sure machines are switched off when leaving the office;
- passwords must not be disclosed to other colleagues unless authorised by an appropriate manager or required by BMAT (see 7.3 below);
- make sure sensitive data is not stored on public folders;
- staff should be familiar with the security of email/internet systems;
- make sure computer discs are wiped clean correctly before being reused;
- make sure any user IDs and passwords remain confidential unless express permission has been given by management to disclose them;
- computer files should be backed up regularly and not solely saved to the hard drive.

6.5 Disclosure of Information

6.5.1 Both during and on leaving the employment of BMAT employees must not divulge information of a confidential, sensitive or commercial nature gained during the course of employment for purposes detrimental to the interests of the Directors/LAB or its employees. In the case of any commercially sensitive information the condition applies for a period of 12 months after leaving employment.

6.5.2 If during the course or as a result of employment an employee invents or designs anything which has some connection with the work, details of the invention or design must not be disclosed to anybody until the matter has been reported to the Executive Headteacher/Headteacher/Head of school and permission has been given. The right to register the design or patent the invention may be lost by a premature disclosure of its nature and as a result personal interest or that of the Directors /LAB might be prejudiced.

6.6 Preserving anonymity

6.6.1 In the event of an allegation against a teacher employed or engaged by Burnt Mill Academy Trust made by a pupil at the same Academy, BMAT has a duty to act in accordance with the provisions of the Education Act 2011. These provisions contain reporting restrictions preventing the publication of any material which could lead to the identification of a teacher. All employees and individuals engaged by BMAT must ensure they preserve anonymity in such cases and must not publish any material in breach of these provisions. Any employee or individual engaged by BMAT who publishes material which could lead to the identification of the employee who is the subject of an allegation of this kind may be subject to disciplinary action, up to and including dismissal.

6.6.2 For the purposes of these provisions, "publication" includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public. For the avoidance of doubt, this includes publishing details of an allegation or other information on a social networking site which could lead to the identification of the employee.

Such restrictions cease to apply where a teacher employee waives their rights by giving written consent or by going public themselves.

6.7 Media queries

6.7.1 Employees should not respond to media queries on behalf of BMAT under any circumstances. All media queries should be referred immediately to the CEO/ COO / Executive Principal/ Executive Headteacher/ Headteacher/ Head of School.

7 Use of computers, email and the internet

The email system and the internet/intranet can be extremely valuable tools in an educational context, encouraging the development of communication skills, and transforming the learning process by opening up possibilities that, conventionally, would be impossible to achieve. The use of electronic mail as a medium for paper mail replacement and as a means of enhancing communications is encouraged.

Those using the Academy's/school's/BMAT electronic mail services and/or the internet and mobile phones including smart phones are expected to do so responsibly and to comply with all applicable laws, policies and procedures, and with normal standards of professional and personal courtesy and conduct. Those using their own personal computer or equipment for Academy/school/BMAT purposes must only do so where this has been authorised by management. **Whilst using their own computer and personal mobile phones including smart phones for Academy/school/BMAT purposes, employees must do so responsibly and to comply with all applicable laws, policies and procedures, including the provisions set out in this Code.** Employees should not bring their own computer or equipment onto the academy premises unless this has been specifically authorised by an appropriate manager. In such circumstances, the computer/equipment must be kept securely and security protected so that it cannot be accessed by pupils at the Academy/school/BMAT.

Computers and laptops loaned to employees by the Academy/school/BMAT are provided to support their professional responsibilities and employees must notify their employer of any significant personal use (see 7.1 below). Reasonable access and use of the internet/intranet and email facilities are also available to recognised representatives of professional associations' i.e. union officers.

Employees must not use Burnt Mill Academy Trust equipment or property for personal gain or fraudulent, malicious, illegal, libelous, immoral, dangerous or offensive purposes. Employees should not undertake IT related activities that are contrary to the Trust's policies or business interests including posting, accessing, downloading, storing, creating, transmitting, uploading, copying or distributing any of the following offensive material (unless it is part of an authorised investigation) is likely to amount to gross misconduct and result (where the adult is employed) in summary dismissal (this list is not exhaustive):

- a) pseudo-images of children (child abuse images), pornographic or sexually suggestive material or images of children or adults which may be construed as such in the circumstances (that is, writing, texting, pictures, films and video clips of a sexually explicit or arousing nature),
- b) any other type of offensive, violent, racist, sexist, obscene or discriminatory material, criminal material or material which is liable to cause distress or embarrassment to the Academy/ School/ BMAT Trust or others.

If indecent images of children are discovered at the premises or on the Academy's/school's/BMAT equipment/devices, an immediate referral should be made to the School designated Safeguarding Lead and Head Teacher (unless he or she is implicated) and the external Designated Officer (DO) and, if relevant, the police contacted. The images/equipment should be secured, should not be used by others and should be isolated from the network. There should be no attempt to view, tamper with or delete the images as

this could jeopardise any necessary criminal investigation. If the images are of children are known to the Trust Schools, a referral should also be made to children's social care in accordance with local arrangements.

The contents of ICT resources and communications systems are property of Burnt Mill Academy Trust. Therefore, adults should have no expectation of privacy in any message, files, data, document, facsimile, telephone conversation, social media post, conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored or recorded on our electronic information and communications systems.

The Academy's/school's/BMAT Trust reserve the right to monitor, intercept and review, without prior notification or authorisation from adults. Usage of school IT resources and communications systems, including but not limited to telephone, e-mail, messaging, voicemail, CCTV, internet and social media postings and activities is monitored to ensure that Academy's/school's/BMAT rules are being complied with and for the following purposes:

- a) to monitor whether the use of the e-mail system or the internet is legitimate and in accordance with this Code;
- b) to assist in the investigation of alleged wrongful acts; or
- c) to comply with any legal obligation.

Adults consent to monitoring by acknowledgement of this Code and the use of the School/ Academy Trust resources and systems. The Academy's/school's/BMAT may store copies of data or communications for a period of time after they are created, and may delete such copies from time to time without notice. If necessary information may be handed to the police in connection with a criminal investigation.

A CCTV system monitors the Academy's/school's/BMAT. This data is recorded and may be used as evidence of any alleged wrong doing.

Cyber-bullying can be experienced by adults as well as pupils. Adults should notify designated Safeguarding Lead if they are subject to cyber-bullying. The Academy's/school's/BMAT will endeavour to protect adults and stop any inappropriate conduct.

All forms of chain mail are unacceptable and the transmission of user names, passwords or other information related to the security of the Trust's computers is not permitted.

7.1 Personal Use

7.1.1 The Academy's/school's/BMAT e-mail and internet service may be used for incidental personal purposes, with the approval of the line manager, provided that it:

- does not interfere with the Academy's /School's/BMAT operation of computing facilities or email services;
- does not interfere with the user's employment or other obligations to the Academy/Trust;
- does not interfere with the performance of professional duties;
- is of a reasonable duration and frequency;
- is performed in non-work time;
- does not over burden the system or create any additional expense to the Academy/Trust;
- does not bring the BMAT and its employees into disrepute.

Such use must not be for:

- unlawful activities;
- commercial purposes not under the auspices of the Burnt Mill Academy Trust;
- personal financial gain including use of betting and gambling websites; personal use that is inconsistent of other Burnt Mill Academy Trust's policies or guidelines.

If an employee fails to meet these conditions for personal use, their rights to use equipment may be withdrawn. If an employee fails to follow this policy and other supporting procedures, this could result in disciplinary action.

7.1.2 Use of email and internet at home

Access to the internet from an employee's home using an Academy owned computer or through Academy/school/BMAT owned connections must adhere to all the policies that apply to their use. Family members or other non-employees must not be allowed to access the Academy's/school's/BMAT's computer system or use the Academy's /school's/BMAT computer facilities, without the formal agreement of their line manager.

7.2 Security

7.2.1 The Academy/school/BMAT follows sound professional practices to secure email records, data and system programmes under its control. As with standard paper based mail systems, confidentiality of email cannot be 100% assured. Consequently users should consider the risks when transmitting highly confidential or sensitive information and use the appropriate level of security measure.

7.2.2 Enhancement of the base level security to a higher or intermediate level can be achieved by the use of passwords for confidential files. It should be remembered that, emails forwarded from another individual can be amended by the forwarder. This possibility should be considered before acting on any such mail.

7.2.3 In order to effectively manage the email system, the following should be adhered to:

- open mailboxes must not be left unattended;
- care should be taken about the content of an email as it has the same standing as a memo or letter. Both the individual who sent the message and/or the Academy/school/BMAT can be sued for libel;
- report immediately to IT team when a virus is suspected in an email.

7.3 Privacy

7.3.1 The Academy/school/BMAT respects users' privacy. Email content will not be routinely inspected or monitored, nor content disclosed without the originator's consent. However, under the following circumstances such action may be required:

- when required by law;
- if there is a substantiated reason to believe that a breach of the law or Academy/school/BMAT policy has taken place;
- when there are emergency or compelling circumstances.

7.3.2 The Academy/school/BMAT reserves the right, at its discretion, to review any employee's electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy and other policies. Employees will be notified of any monitoring which will take place and the reason for it. Employees will also be notified of what information will be recorded and retained, and for how long, and who will have access to the information. If monitoring takes place, the Academy/school/BMAT will also notify employees of how such information will be used, which will include using such information for disciplinary purposes where applicable.

Monitoring will be reasonable and in accordance with Data Protection and Human Rights obligations.

- 7.3.3 Employees should not have any expectation of privacy to their internet usage. The Academy/school/BMAT reserves the right to inspect any and all files stored in computers or on the network in order to assure compliance with this policy. Auditors must be given the right of access to any document, information or explanation that they require.
- 7.3.4 Use of the employee's designated personal file area on the network server provides some level of privacy in that it is not readily accessible by other members of staff. These file areas will however be monitored to ensure adherence to policies and to the law. The employee's personal file area is disk space on the central computer allocated to that particular employee. Because it is not readily accessible to colleagues it should not be used for the storage of documents or other data that should be open and available to the whole staff or wider Academy/school/BMAT community.
- 7.3.5 Managers will not routinely have access to an employee's personal file area. However, management information on usage size of drives or a report outlining the amount of information held on an individual's personal file area will be made available from time to time.

7.4 Email/IT Protocols

A good practice guide for employees on the use of emails is available at Appendix B.

7.4.1 Users must:

- respond to emails in a timely and appropriate fashion. The system is designed for speedy communication. If urgent, the email requires a prompt response, otherwise a response should be sent within a reasonable timeframe according to the nature of the enquiry; although there is no compulsion to respond to an email outside of the working day or during lunchbreaks..
- not use anonymous mailing services to conceal identity when mailing through the Internet, falsify e-mails to make them appear to originate from someone else, or provide false information to any Internet service which requests name, e-mail address or other details;
- not abuse others (known as 'flaming'), even in response to abuse directed at themselves;
- not use electronic media and services in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system;
- not use, transfer or tamper with other people's accounts and files;
- not use their own equipment such as personal laptop and mobile phones to connect to the Academy's/school;s/BMAT network unless specifically permitted to do so and the equipment meets appropriate security and other standards. Under no circumstances is personal equipment containing inappropriate images or links to them, to be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work in an Academy/school/BMAT or with children. Ensure that pupils are not exposed to any inappropriate images or web links whether on Academy/school/BMAT owned computers or on their own computer/equipment used for Academy/School/BMAT purposes (where this has been authorised). Academy/school/BMAT service and adults need to ensure that internet equipment used by children have the appropriate controls with regards to access. E.g. personal passwords should be kept confidential.;
- not store BMAT sensitive or confidential data on their own equipment – this extends to personal cameras, mobile phones and other similar devices;
- use unsecured disks/memory sticks (all disks/memory sticks used must be encrypted and/or password protected);
- respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner;
- not use the internet/intranet facilities or equipment to deliberately propagate any virus,

worm, Trojan horse or any such other programme that is harmful to normal computer operations;

If a user finds themselves connected accidentally to a site that contains sexually explicit or offensive material, they must disconnect from that site immediately. Such unintentional access to inappropriate internet sites must be reported immediately to their line manager. Any failure to report such access may result in disciplinary action.

- 7.4.2 Except in cases in which explicit authorisation has been granted by an appropriate manager, employees are prohibited from engaging in, or attempting to engage in:
- monitoring or intercepting the files or electronic communications of other employees or third parties;
 - hacking or obtaining access to systems or accounts they are not authorised to use;
 - using other people's log-ins or passwords;
 - breaching, testing, or monitoring computer or network security measures;
 - interfering with other people's work or computing facilities;
 - sending mass e-mails without consultation with the Executive Principal/ Executive Headteacher/ Headteacher. Global sends (send to everybody in the Global address book) are prohibited;

7.5 Data Protection

- 7.5.1 The Data Protection Act 1998 prohibits the disclosure of personal data except in accordance with the principles of the Act. This prohibition applies to e-mail in the same way as to other media. Information gathered on the basis that it would be seen by specified employees must not be given to a wider audience. In accordance with the provisions of Article 8 of the European Convention on Human Rights, the Academy respects the right to privacy for employees who use IT equipment but does not offer any guarantee of privacy to employees using IT equipment for private purposes.
- 7.5.2 As data controller, the Academy/school/BMAT has responsibility for any data processed or stored on any of its equipment. Any employee monitoring will be carried out in accordance with the principles contained in the Code of Practice issued by the Information Commissioner under the provisions of the Data Protection Act 1998.
- 7.5.3 In order to comply with its duties under the Human Rights Act 1998, the Trust is required to show that it has acted proportionately, i.e. are not going beyond what is necessary to deal with the abuse and that the need to investigate outweighs the individual's rights to privacy, taking into account the Trust's wider interests. In drawing up and operating this policy the Trust recognises that the need for any monitoring must be reasonable and proportionate.
- 7.5.4 Auditors (internal or external) are able to monitor the use of the Academy's/school's/BMAT's IT equipment and the storage of data. They are nevertheless bound by the provisions of the Human Rights Act 1998, the Data Protection Act 1998, associated codes of practice and other statutory provisions and guidance, including the Regulation of Investigatory Powers Act 2000 in respect of any activity that could be classed as directed surveillance.

8. Social Networking

Communication between pupils and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, tablets, text messages, emails, instant messages, snapchat, websites, social media such as Facebook, Bebo, Myspace, Twitter, Instagram, LinkedIn, chat-rooms, forums, blogs, apps such as Whatsapp, gaming sites, digital cameras, videos (such as media sharing on YouTube), web-cams and other hand held devices. Adults should not share any personal information with pupils and they should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. They should ensure that all

communications are transparent and avoid any communication that could be interpreted as 'grooming behaviour'.

The purpose of this policy is to ensure:

- that the Burnt Mill Academy Trust schools are not exposed to legal and governance risks;
- that the reputation of BMAT is not adversely affected;
- that users are able to clearly distinguish where information has been provided via social networking applications, that it is legitimately representative of BMAT;
- protocols to be applied where employees are contributing in an official capacity to social networking applications provided by external organisations.

8.1 Access to Social Networking Sites

The following permissions are given in respect of social networking applications:

Restricted access for work purposes only, where permission has been given by the Executive Principal/ Executive Headteacher/ Headteacher/ Head of School, or line manager and where the use must comply with Code of Conduct guidance.

8.2 Burnt Mill Academy Trust School managed social networking sites

This may include internal forums for staff and outward facing forums for BMAT activities/clubs etc.

It is important to ensure that employees, members of the public and other users of online services know when a social networking application is being used for official BMAT school purposes. To assist with this, all employees must adhere to the following requirements:

- only use an official (i.e. not personal) email address for user accounts which will be used for official purposes;
- appropriate feedback and complaints information must be published in a prominent place which is easily accessible to other users;
- the BMAT logo and other branding elements should be used where appropriate to indicate the BMAT support. The BMAT logo should not be used on social networking applications which are unrelated to or are not representative of BMAT's official position;
- employees should identify themselves as their official position held within BMAT on social networking applications e.g. through providing additional information on user profiles;
- employees should ensure that any contributions on any social networking application they make are professional and uphold the reputation of BMAT – the general rules on internet/email apply;
- employees should not spend an unreasonable or disproportionate amount of time during the working day developing, maintaining or using sites;
- employees must not promote or comment on personal, political, religious or other matters;
- employees should be aware that sites will be monitored.

8.3 Personal social networking sites

All employees of BMAT, individuals engaged by BMAT schools or individuals acting on behalf of BMAT from third party organisations should bear in mind that information they share through social networking applications, even if they are on private spaces, may still be the subject of action for breach of contract, breach of copyright, defamation, breach of data protection, breach of confidentiality, intellectual property rights and other claims for damages. Employees must therefore not publish any content on such sites that is inappropriate or may lead to a claim, including but not limited to material of an illegal, sexual or offensive nature that may bring BMAT into disrepute (see Appendix C for examples of such content).

Employees using social networking sites must also operate at all times in line with BMAT policies, including Equality and Diversity; failure to do so may lead to disciplinary action, up to and including dismissal.

Social networking applications include, but are not limited to, public facing applications such as open discussion forums and internally-facing applications, (i.e. e-folio) regardless of whether they are hosted on BMAT networks or not. BMAT expects that users of social networking applications will always exercise due consideration for the rights of others and that users will act strictly in accordance with the terms of use set out in this code.

All employees/staff/governors/Volunteers are personally responsible for what they communicate in social media and must bear in mind that any communications or content published on a social networking site which is open to public view, may be seen by members of the Trust, pupils, parents and carers, the general public, future employers and friends and family for a long time. Adults must ensure that their on-line profiles are consistent with the professional image expected by BMAT and must not post material which damages the reputation of Burnt Mill Academy Trust schools or which causes concern about their suitability to work with children and young people. Employees hold positions of responsibility and are viewed as such in the public domain.

Those who post material which may be considered as inappropriate could render themselves vulnerable to criticism or, in the case of an employee, allegations of misconduct which may be dealt with under the Disciplinary Procedure. Even where it is made clear that the writer's views on such topics do not represent those of Burnt Mill Academy Trust such comments are inappropriate. Therefore, inappropriate usage of social networking sites by employees can have a major impact on the employment relationship. Any posting that causes damage to BMAT, any of its employees or any third party's reputation may amount to misconduct or gross misconduct which could result in disciplinary action, up to and including dismissal. Employees must not use social networking sites for actions that would put other employees in breach of this policy.

It is recommended that employees ensure that all possible privacy settings are activated to prevent pupils from making contact on personal profiles and to prevent pupils from accessing photo albums or other personal information which may appear on social networking sites. Employees should not use personal sites for any professional activity or in an abusive or malicious manner. BMAT reserves the right to require the closure of any applications or removal of content published by employees which may adversely affect the reputation of BMAT or put it at risk of legal action. **Privacy settings should be reviewed regularly.**

All employees and all those engaged by BMAT Schools must not give their personal contact details such as home/mobile phone number; home or personal e-mail address or social networking details to pupils unless the need to do so is agreed in writing with senior management. If, for example, a pupil attempts to locate Staff's personal contact details and attempts to contact or correspond with him/her, the Staff member should not respond and must report the matter to his/her manager.

8.3.1 Posting inappropriate images

Indecent images of any employee posted on YouTube including where staff name is mentioned, whether the video or picture has been posted by member of staff or not can be easily accessed via search engines by pupils, parents or members of the public are totally unacceptable and can lead to child protection issues as well as bringing the Trust into disrepute. Therefore, Staff are advised to routinely check their search outcomes for their own protection.

8.3.2 Posting inappropriate comments

It is totally unacceptable for any employee to discuss pupils, parents, work colleagues or any other member of BMAT on any type of social networking site.

Reports about oneself may also impact on the employment relationship for example if an employee is off sick but makes comments on a site to the contrary.

8.3.3 Social interaction with pupils (past and present)

Employees are advised not to have any online friendships with any young people / pupil under the age of 18 on any personal social networking sites and should be circumspect in personal network contact with former pupils, unless they are family members or close family friends. Adults are advised not to have online friendships with parents or carers of pupils, or members of the governing body/trustees. Where such on line friendships exist, Staff must ensure that appropriate professional boundaries are maintained. This would also apply to individuals who are known to be vulnerable adults. Offers of assistance to a pupil with their studies, via any social networking site are inappropriate and also leaves the employee vulnerable to allegations being made. It would be very rare for employees to need to interact with pupils outside of BMAT in a social setting and by communicating with them on social networking sites, is tantamount to the same.

Adults should ensure that personal social networking sites are set at private and that pupils are never listed as approved contacts.

Adults should not use or access social networking sites of pupils.

8.3.4 Making Friends

Employees should be cautious when accepting new people as friends on a social networking site where they are not entirely sure who they are communicating with. Again this may leave employees vulnerable to allegations being made.

It is acknowledged that adults may have genuine friendships and social contact with parents or carers of pupils, independent of the professional relationship. Employees should, however, inform senior management of any relationship with a parent/carer where this extends beyond the usual parent/carer/professional relationship; advise senior management of any regular social contact they have with a pupil or parent/carer, which could give rise to concern; inform senior management of any requests or arrangements where parents/carers wish to use their services outside of the workplace e.g. babysitting, tutoring; and employees should always approve any planned social contact with pupils or parents/carers with senior colleagues, for example when it is part of a reward scheme. If a parent/carer seeks to establish social contact, or if this occurs coincidentally, the employee should exercise his or her professional judgment and should ensure that all communications are transparent and open to scrutiny.

Some employees may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the employee or seeks support outside of their professional role this should be discussed with senior management and where necessary referrals made to the appropriate support agency.

8.3.5 Political and financial purposes

Social networking sites must not be used for party political purposes or specific campaigning purposes. Social networking sites must not be used for the promotion of personal financial interests, commercial ventures or personal campaigns.

8.3.6 Reporting breaches of this code

Anyone who becomes aware of inappropriate postings on social networking sites must report it to their line manager straight away. The line manager will then follow the disciplinary procedure where appropriate. If an employee fails to disclose an incident or type of conduct relating to social networking sites, knowing that it is inappropriate and falls within the remit of this code of conduct, then that employee may be subject to disciplinary action up to and including dismissal.

Should an employee become aware of an underage person using social networking sites, (Facebook and Bebo have set at 13 years and MySpace set at 14 years minimum age requirement), then they should report this to the site operator and if that child is at their particular Academy, then this should also be reported to their line manager.

8.4 Cyber bullying

BMAT Academies/schools will not tolerate any form of cyber bullying by employees. Any such behaviour will result in disciplinary action, up to and including dismissal. Cyber bullying may include but is not limited to:

- Offensive emails including joke emails which may offend other employees
- Email threats
- Leaving offensive or inappropriate comments on blogs or networking sites
- Offensive comments sent by text, email or posted on social networking sites
- Sharing another person's details/personal information online without appropriate consent.

Employees who feel they are the subject of cyber bullying must notify their line manager at the earliest opportunity.

Whistleblowing and Cyber-Bullying

Staff who have concerns about any alleged abuse or inappropriate use of ICT resources, virtual learning environments, camera/recording equipment, telephony, social networking sites, email or internet facilities or inappropriate communications, whether by students, parents, carers or staff, or others should alert a senior member of staff. If a matter concerns child protection it should also be reported to the Designated Child Protection Officer.

Cyber-bullying can be experienced by staff as well as students. Staff should notify their manager if they are subject to cyber-bullying. The school will endeavour to protect staff and stop any inappropriate conduct.

9. Use of Mobile Telephones. PLEASE note Primary Phase colleagues will have additional guidance.

- 9.1 Employees are required to ensure personal mobile telephones are switched off/switched to silent during working hours. Any use MUST not interfere with professional duties or operational needs of BMAT Schools. Excessive use of personal telephones will be considered as a possible breach of the code of conduct. Employees must ensure all mobile telephones are stored securely and are not accessible by pupils at any time.
- 9.2 Employees are not permitted to contact pupils by personal telephone, use personal phones for texting messages or by sending picture messages using their personal mobile telephone or divulge their telephone number to pupils under any circumstances/unless given express permission by their line manager.
- 9.3 Employees provided with a mobile telephone in order to carry out their duties must ensure they only use the mobile telephone for the purposes agreed with their line manager. Any unauthorised usage must be reimbursed to the BMAT School and/or may be the subject of disciplinary action.
- 9.4 Any urgent phone calls or messages must be directed to the office who will notify employees immediately. Employees who need to use their mobile telephone to make or receive an urgent call during working hours should do so without disrupting their professional duties.

10. Relationships

10.1 Local Advisory Board/Directors proceedings

There are restrictions on LAB Members or persons taking part in proceedings of the Local Advisory Board/Directors or their committees under the 'BMAT Governance (Procedures) Regulations 2003'

Which requires that they shall withdraw:

- if there is a conflict of interest or where there is reasonable doubt about their ability to act impartially;
- where they have pecuniary interest, for example contracts;
- if a relative (including spouse) living with them has pecuniary interest.

10.2 The community and service users

Employees must always remember their responsibilities in the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the BMAT community as defined by the policies of the Local Advisory Board/Directors and, where applicable, the local authority.

10.3 Contracts

10.3.1 All relationships of a business or private nature with external contractors, or potential contractors, must be made known to Local Advisory Board/Directors. Orders and contracts must be in accordance with standing orders and financial regulations of the BMAT schools. No special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

10.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship to the BMAT Local Advisory Board/Directors.

11. Gifts, Rewards, Favouritism, Legacies, Bequests, Hospitality and Exclusion

It is against the law for public servants to take bribes. Employees need to take care that they do not accept any gift that might be construed by others as a bribe, or lead the giver to expect preferential treatment. Employees may not accept any gift or legacy from a person intended to benefit from their services (or those whom they supervise) or from any relative without the prior written permission of the Executive Headteacher/ Headteacher/ Head of School/Local Advisory Board/Directors. Employees may not give any gift to someone from whom they expect to receive any favour in their official capacity. There are occasions when pupils or parents/carers wish to pass small tokens of appreciation to adults e.g. at Christmas or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Personal gifts must not be given to pupils or their families/carers. This could be misinterpreted as a gesture either to bribe or groom. It might be perceived that a 'favour' of some kind is expected in return. Any reward given to a pupil should be consistent with BMAT School's behaviour or rewards policy, recorded, and not based on favouritism.

Care should be taken when selecting children for specific activities, jobs, privileges and when pupils are excluded from an activity in order to avoid perceptions of favouritism or injustice. Methods of selection and exclusion should be subject to clear, fair and agreed criteria.

Hospitality offered to an employee's official capacity should only be accepted if that is part of a genuine business activity. Any such hospitality should be properly authorised and

recorded by the Executive Headteacher/ Headteacher/ Head of School/ Local Advisory Board/ Directors.

Employees should always consider any particular sensitivity around accepting hospitality from an organisation that may be affected by decisions taken by the Local Advisory Board/ Directors.

Whilst employees may accept gifts of token value such as pens and diaries, they should not accept personal gifts from contractors or outside suppliers. Failure to observe these rules will be regarded as gross misconduct.

See Appendix A for gifts in respect of pupils.

12. Close personal relationships at work

Situations arise where relations, or those in other close relationships, may be employed at BMAT Schools and it is recognised that close personal relationships can be formed at work.

Close personal relationships are defined as:

- employees who are married, dating or in a partnership or co-habiting arrangement;
- immediate family members for example parent, child, sibling, grandparent/child;
- other relationships for example extended family (cousins, uncles, in-laws), close friendships, business associates (outside the BMAT schools).

Whilst not all such situations where those in close personal relationships work together raise issues of conflict of interest, implications can include:

- effect on trust and confidence;
- perception of service users, the public and other employees on professionalism and fairness;
- operational issues e.g. working patterns, financial and procurement separation requirements;
- conflicting loyalties and breaches of confidentiality and trust.

Open, constructive and confidential discussion between employees and managers is essential to ensure these implications do not occur.

12.1. Management

12.1.1 It is inappropriate for an employee to line manage or sit on an appointment panel, for those with whom they have a close personal relationship. Employees must not be involved in any decisions relating to discipline, promotion or pay adjustment for anyone where there is a close personal relationship. If this was the case, the Executive Headteacher/ Headteacher/ Head of School/CEO/COO would need to identify another individual to undertake the particular responsibility, so that a 'conflict of interest' situation is avoided.

12.1.2 Any applicants applying for positions are required to disclose on their application form if they:

- are a relative or partner of, or;
- have a close personal relationship with any employee in BMAT schools

Applicants are asked to state the name of the person and the relationship. Failure to disclose such a relationship may disqualify the applicant.

12.1.3 Employees should discuss confidentially with their Executive Principal/ Executive Headteacher/Headteacher/ Head of School/ line manager, any relationships with an applicant.

12.1.4 If a close personal relationship is formed between two colleagues in BMAT this should be disclosed, in confidence, to the line manager by the employees concerned as this may impact on the conduct of BMAT.

12.1.5 It is important to ensure that any approach or actions are not unfair or discriminatory. Nevertheless it is important to explore, in discussion with the employees concerned, the issues that may arise to ensure these can be managed effectively.

12.2 Impact

12.2.1 It may be appropriate to employ someone to work in a team with a staff member with whom they have a close personal relationship. It may also be necessary in certain circumstances to consider transferring staff that form close personal relationships at work. Any such action will be taken wherever possible by agreement with both parties and without discrimination.

12.2.2 Colleagues who feel they are affected by a close personal relationship at work involving other colleagues should at all times feel that they can discuss this, without prejudice, with their Executive Headteacher/ Head teacher/ Head of School/ line manager, other manager or Local Advisory Board/ Directors.

12.3 References

12.3.1 When providing a reference, the staff member providing the reference must make it clear if it is provided as a personal or colleague reference or provided formally as a reference on behalf of the employer.

12.3.2 Personal or colleague references should not be provided on Trust headed paper. References on behalf of the employer should be cleared and signed by the Executive Principal/ Executive Headteacher/ Headteacher/ Head of School/ or delegated person.

13. Dress code

A person's dress and appearance are matters of personal choice, self-expression, religious and cultural customs. However employees must maintain an appropriate standard of dress and personal appearance at work which promotes a positive and professional image. Clothing and footwear must be safe and clean and take account of health and safety considerations. Adults must ensure they are dressed in ways which are appropriate to their role and not likely to be viewed as offensive, revealing or sexually provocative and specifically should not distract, cause embarrassment or give rise to misunderstanding, should be religious and culturally sensitive and free of any political or otherwise contentious slogans, and not considered to be discriminatory. Adults who dress or appear in a manner which may be considered as inappropriate could render themselves vulnerable to criticism or, where the adult is an employee, allegations of misconduct that may lead to action under BMAT's Disciplinary Procedure.

The BMAT's minimum standard of dress should reflect the following guidance:

- Professional dress should be such that it is not offensive, revealing, or sexually provocative, could distract, cause embarrassment, should not promote any political views, contain contentious slogans, or be considered discriminatory, culturally insensitive or lead to misunderstandings or interpretation.
- Staff should take into consideration the cultural sensitivities of members of the Academies.
- Specific dress is required for certain roles undertaken by colleagues, such as PE, Performing Arts, Technology, Science, EYFS, Catering and Site.
- All health and safety guidance in relation to protective clothing which is required for staff to carry out specific tasks and responsibilities.
- Take into consideration religious requirements, and that the code should not be unreasonably restrictive towards one gender.
- Footwear should be appropriate for busy working environments and should be such that accidental damage is avoided. No open toed or backless shoes
- Shoes and clothing which are suitable for the beach are not suitable for professional environments. This includes shorts, flip flops.

- Facial piercings including tongue piercings are not appropriate.
- Body art and tattoos should be discreet or covered.
- In general, standards of dress should be smart, professional, fit for purpose and portray a favourable impression of BMAT.

It must be pointed out that any employee who is unacceptably dressed on a consistent basis can be subject to disciplinary action,

A dress code should reflect the culture and image of the Trust. The Executive Headteacher/ Headteacher/ Head of School and delegated person is entitled to apply their discretion in determining the image of BMAT, including the personal presentation of staff, especially if they are in a position of authority, projecting an appropriate image to pupils, parents and members of the public.

There may be different rules for out of BMAT activities (non-pupil days, summer fairs etc.) but in any case dress code should adhere to the above stated standards.

14. Propriety and Behaviour

All adults working with children have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of pupils. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, pupils and the public in general. An employee's behaviour or actions, either in or out of the workplace, must not compromise her/his position within the work setting, or bring BMAT into disrepute. Non-exhaustive examples of unacceptable behaviour are contained in the Disciplinary Procedure/Rules.

Employees are required to notify the Trust immediately of any allegation/s of misconduct that are of a safeguarding nature made against them (or implicating them), by a child or adult in relation to any outside work or interest (whether paid or unpaid) and, of any arrest or criminal charge whether child related or not. Where employees fail to do so, this will be treated as a serious breach of this Code and dealt with under the Disciplinary Procedure.

Individuals should not behave in a manner which would lead any reasonable person to question their suitability to work with children or to act as an appropriate role model; make, or encourage others to make sexual remarks to, or about, a pupil; use inappropriate language to or in the presence of pupils; discuss their personal or sexual relationships with or in the presence of pupils; make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such. Behaving in an unsuitable way towards children may result in disqualification from childcare under the Childcare Act 2006, prohibition from teaching by the NCTL, a bar from engaging in regulated activity, or action by another relevant regulatory and/or disciplinary action.

Personal property of a sexually explicit nature or property which might be regarded as promoting radicalisation or otherwise inappropriate such as books, magazines, CDs, DVDs or such material on any electronic media including links to such material must not be brought onto or stored on BMAT Schools' premises or on any BMAT equipment.

15. Sexual Contact with Children and Young People and Abuse of Trust

- 15.1 A relationship between an adult and a child or young person is not a relationship between equals; the employee has a position of power or influence. There is potential for exploitation and harm of children or vulnerable young people and all adults have a responsibility to

ensure that an unequal balance of power is not used for personal advantage or gratification. Employees must not use their status or position to form or promote relationships with children (whether current pupils or not), that are of a sexual nature, or which may become so. Employees should maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report any incident with this potential to the designated Safeguarding Lead in the school.

- 15.2 Any sexual behaviour or activity, whether homosexual or heterosexual, by an employee with or towards a child/pupil or young person is illegal. Children and young people 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 there is consent or not. Where a person aged 18 or over is in a specified position of trust with a child or young person under 18 years, the Sexual Offences Act 2003 makes it 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.
- 15.3 Sexual behaviour includes non-contact activities, such as causing a child or young person to engage in or watch sexual activity or the production of indecent images of children. 'Working Together to Safeguard Children' *Appendix A* defines sexual abuse as "...forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening..."
- 15.4 Employees must not have sexual relationships with pupils or have any form of communication with a child, which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, texts, electronic mail, phone calls, social networking contact or physical contact. The employee should not make sexual remarks to, or about, a child or discuss their own sexual relationships with or in the presence of pupils. Employees should take care that their language or conduct does not give rise to comment or speculations. Attitudes, demeanour and language all require care and thought.
16. There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child or young person, and manipulate that relationship so that sexual abuse can take place. Adults should be aware that conferring special attention without good reason or favouring a pupil has the potential to be construed as being part of a 'grooming' process, which is a criminal offence.

16 Infatuations and Crushes

- 16.1 A child or young person may develop an infatuation with an employee who works with them. An employee, who becomes aware (may receive a report, overhear something, or otherwise notice any sign no matter how small or seemingly insignificant) that a pupil has become or may be becoming infatuated with him/herself or a colleague, must report this without delay to the Executive Headteacher/ Headteacher/Head of School/ Line manager or the most senior manager so that appropriate action can be taken to avoid any hurt, distress or embarrassment. The situation will be taken seriously and the employee should be careful to ensure that no encouragement of any kind is given to the pupil. It should also be recognised that careless and insensitive reactions may provoke false accusations.
- 16.2 Examples of situations which must be reported are given below:
 - Where an employee is concerned that he or she might be developing a relationship with a pupil which could have the potential to represent an abuse of trust.

- Where an employee is concerned that a pupil is becoming attracted to him or her or that there is a developing attachment or dependency.
- Where an employee is concerned that actions or words have been misunderstood or misconstrued by a pupil such that an abuse of trust might be wrongly suspected by others.

Where an employee is concerned about the apparent development of a relationship by another employee/ adult, or receives information about such a relationship.

17. Physical Contact, Personal Privacy and Personal Care

- 17.1 There are occasions when it is entirely appropriate and proper for employees to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil's individual needs and any agreed care plan. When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity, culture and background. Employees must use their professional judgement at all times. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one pupil in one set of circumstances may be inappropriate in another, or with a different pupil.
- 17.2 Physical contact should never be secretive or casual, or for the gratification of the employee, or represent a misuse of authority. Employees/ adults should never touch a pupil in a way which may be considered indecent. If an adult believes that an action could be misinterpreted, the incident and circumstances should be reported as soon as possible to the line manager/ designated safeguarding lead and recorded in the School's incident book, and, if appropriate, a copy placed on the pupil's file.
- 17.3 Physical contact, which occurs regularly with a pupil or pupils, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. Where feasible, staff should seek the pupil's permission before initiating contact. Adults should listen, observe and take note of the pupil's reaction or feelings and – so far as is possible - use a level of contact which is acceptable to the pupil for the minimum time necessary.
- 17.4 There may be occasions when a distressed pupil needs comfort and reassurance. This may include age-appropriate physical contact. Employees should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation. Employees should always tell a designated Safeguarding Lead in the school when and how they offered comfort to a distressed pupil.
- 17.5 Where an adult has a particular concern about the need to provide this type of care and reassurance s/he should seek further advice from a senior manager.
- 17.6 Some employees, for example, those who teach PE and games, or who provide music tuition will on occasion have to initiate physical contact with pupils in order to support a pupil so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the pupil's agreement. Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in a safe and open environment. Adults should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil.

- 17.7 All parties should clearly understand from the outset what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers informed of the extent and nature of any physical contact may also prevent allegations of misconduct arising. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent/carer.
- 17.8 Pupils 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 pupils, 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 pupils concerned and sensitive to the potential for embarrassment. Adults who are required as part of their role to attend changing rooms should announce their intention of entering any pupil changing rooms and only remain in the room where the pupil/s needs require this.
- 17.9 Employees with a job description which includes intimate care duties will have appropriate training and written guidance including a written care plan for any pupil who could be expected to require intimate care. Staff should adhere to the School's intimate and personal care [and nappy changing] policies as appropriate. No other Adult should be involved in intimate care duties except in an emergency. A signed record should be kept of all intimate and personal care tasks undertaken and, where these have been carried out in another room, include times left and returned. Employees should not assist with personal or intimate care tasks which the pupil is able to undertake independently.

18. Behaviour Management and Physical Intervention

- 18.1 All pupils have a right to be treated with respect and dignity. Staff and volunteers must not use any form of degrading treatment to punish a pupil. The use of sarcasm, demeaning or insensitive comments towards pupils is not acceptable in any situation. Deliberately intimidating pupils by shouting aggressively, hectoring or overbearing physical presence is not acceptable in any situation. Any sanctions or rewards used should be part of the school policy.
- 18.2 Physical intervention can only be justified in exceptional circumstances. Non-statutory guidance is available from the Department of Education website. See 'Use of reasonable force - advice for Head Teachers, Staff and Governing Bodies'. Staff may legitimately intervene to prevent a pupil 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 form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence.
- 18.3 Where a pupil has specific needs in respect of particularly challenging behaviour, a positive handling plan, including a risk assessment, should be put in place and agreed by all parties. Where it is judged that a pupil's behaviour presents a serious risk to themselves or others, a robust risk assessment that is regularly reviewed and a physical intervention plan, where relevant, must be put in place. All incidents and subsequent actions should be recorded and reported to a manager and the pupil's parents/carers. Where it can be anticipated that physical intervention is likely to be required, a plan should be put in place that the pupil and parents/carers are aware of and have agreed to. Parental consent does not permit the use of unlawful physical intervention or deprive a pupil of their liberty.

19 First Aid and Medication

- 19.1 The Trust has a separate policy on supporting pupils with a medical condition. Employees should have regard to the statutory guidance 'Supporting pupils at school with medical conditions' DfE December 2015, which includes advice on managing medicines. All BMAT schools must have trained first aiders/appointed persons. Staff must have had the appropriate training before administering first aid or medication except in an emergency.
- 19.2 Employees must have had the appropriate training and achieved the necessary level of competency before administering first aid or medication, or taking on responsibility to support pupils with medical conditions. If a staff member is concerned or uncertain about the amount or type of medication being given to a pupil this should be discussed with the Designated Safeguarding Lead.
- 19.3 Adults taking medication that may affect their ability to care for children should seek medical advice regarding their suitability to do so and should not work with pupils whilst taking medication unless medical advice confirms that they are able to do so. Staff medication on the premises must be securely stored out of the reach of children. This should include items like Nurofen or Paracetamol.

20. One to One Situations and Meetings with Pupils

- 20.1 One to one situations have the potential to make children/young persons more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with pupils may also be more vulnerable to unjust or unfounded allegations being made against them. Staff must recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure that the safety and security needs of both Staff and pupils are met. Managers should undertake a risk assessment in relation to the specific nature and implications of one to one work for each staff and pupil, which should be reviewed regularly. Where such a meeting is demonstrably unavoidable it is advisable to avoid remote or secluded areas and to ensure that the door of the room is left open and/or visual/auditory contact with others is maintained. Any arrangements should be reviewed on a regular basis.
- 20.2 Pre-arranged meetings with pupils away from the school premises or on the School site when the School is not in session are not permitted unless written approval is obtained from their parent/carer and the Executive Headteacher/ Headteacher/Head of School or other senior colleague with delegated authority.
- 20.3 No child or young person should be in or invited into, the home of an adult who works with them, unless the reason for this has been established and agreed with parents/carers and a senior manager/Executive Principal/ Executive Headteacher/ Headteacher/ Head of School. Pupils must not be asked to assist adults with jobs or tasks at or in their private accommodation or for their personal benefit.
- 20.4 Other than in an emergency, a staff must not enter a pupil's home if the parent/carer is absent, this includes children of relatives and friends who are pupils at any BMAT schools. Always make detailed records including times of arrival and departure and ensure any behaviour or situation that gives rise to concern is discussed with a senior manager/Executive Headteacher/Headteacher/ Head of School. A risk assessment should be undertaken and appropriate risk management measures put in place prior to any planned home visit taking place. In the unlikely event that little or no information is available, home visits should not be made alone.

21. Transporting Pupils

- 21.1 In certain situations e.g. out of school activities, Staff, LAB Members or volunteers may agree to transport pupils. Transport arrangements should be made in advance by a designated employee who will be responsible for planning and overseeing all transport arrangements and respond to any concerns that may arise. Wherever possible and practicable transport should be provided other than in private vehicles, with at least one adult additional to the driver acting as an escort.
- 21.2 Adults should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They must ensure that the vehicle is roadworthy and appropriately insured and that the maximum capacity is not exceeded. It is a legal requirement that all passengers wear seatbelts and the driver should ensure that they do so. The driver should be aware of the current legislation concerning the use of car seats for younger children where applicable. It is illegal to drive using hand-held phones or similar devices and the driver must ensure that they adhere to all driving regulations.

- 21.3 It is inappropriate for staff to offer lifts to a pupil, outside their normal working duties, unless this has been agreed with Executive Headteacher/ Headteacher/ Head of School and parents/carers.
- 21.4 There may be occasions where a pupil requires transport in an emergency situation or where not to give a lift may place a pupil at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers without delay.

22. Educational Visits and School Clubs

Staff and volunteers should take particular care when supervising pupils in the less formal atmosphere of an educational visit, particularly in a residential setting, or after-school activity. Staff and volunteers remain in a position of trust and the same standards of conduct apply.

23. Curriculum

- 23.1 Some areas of the curriculum can include or raise subject matter which is sexually explicit, of a political, cultural, religious or an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan and/ or scheme of work. This plan should highlight particular areas of risk and sensitivity.
- 23.2 The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit, political, cultural, religious or otherwise sensitive nature. Responding to pupils' questions can require careful judgement and adults must take guidance in these circumstances from the Designated Safeguarding Lead. Staff and volunteers must not enter into or encourage inappropriate discussion about sexual, political or religious activity or behaviour or, discussions which may offend or harm others. Adults should take care to protect children from the risk of radicalisation and should act in accordance with advice given under Part 1 of Keeping Children Safe in Education DfE and accordingly must not express any prejudicial views or, attempt to influence or impose their personal values, attitudes or beliefs on pupils.
- 23.3 Please refer to the School's policy on sex and relationships education (SRE) and, the policy on spiritual, moral, social and cultural development (SMSC).

24. Photography, Videos and other Creative Arts

- 24.1 Please refer to the School's guidance on e-safety, the use of images and the consent forms therein. Adults should have regard to the ICO CCTV code of practice and the guidance 'Taking Photographs in Schools'.
- 24.2 Many educational activities involve the taking or recording of images. This may be undertaken as part of the curriculum, extra school activities, for displays, publicity and to celebrate achievement. The Data Protection Act 1998 affects the use of photography. An image of a child is personal data and it is, therefore, a requirement under the Act that consent is obtained from the parent/carer of a child before any images are made such as those used for school web sites, notice boards, productions or other purposes.
- 24.3 Staff and volunteers need to be aware of the potential for such images to be taken and/or misused to create indecent images of children and/or for 'grooming' purposes. Careful

consideration should be given as to how these activities are organised and undertaken. There should be an agreement, usually the home-school agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

24.4 Staff and volunteers should remain sensitive to any pupil who appears uncomfortable and should recognise the potential for misinterpretation. It is also important to take into account the wishes of the child, remembering that some children do not wish to have their photograph taken.

24.5 Staff should only use equipment provided or authorised by the School to make/take images and should not use personal equipment, mobile telephones or any other similar devices to make/take images.

24.6 The following guidance should be followed:

- if a photograph is used, consider whether the pupil needs to be named, and if so whether the full name is necessary
- if the pupil is named, consider whether photographs need to be used
- photographs/images must be securely stored and used only by those authorised to do so
- be clear about the purpose of the activity and about what will happen to the photographs/images when the lesson/activity is concluded
- only retain images when there is a clear and agreed purpose for doing so
- ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose
- ensure that all photographs/images are available for scrutiny in order to screen for acceptability
- be able to justify the photographs/images made
- do not take images of pupils for personal use
- only take images where the pupil consents to this
- do not take photographs in one to one situations
- do not display or distribute photographs/images of pupils unless there is consent to do so from the parent/carer
- only publish images of pupils where they and their parent/carer have given explicit written consent to do so
- do not take images of pupils in a state of undress or semi-undress
- do not take images of pupils which could be considered as indecent or sexual.

25. Neutrality

25.1 Employees serve the community as a whole. Employees must serve all members of the Burnt Mill Academy Trust community and the public and ensure that the individual rights of all of these groups are respected. Employees must not allow their own personal, political, religious or other views and opinions to interfere with their work.

26. Use of financial resources

- 26.1 Employees must ensure that they use public and any other funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the Local Advisory Board/Directors or the local authority. They must also observe the county council's financial regulations and Academy's /school/BMAT financial regulations.

27. Sponsorship

- 27.1 Where an outside organisation wishes to sponsor or is seeking to sponsor an Academy/school/BMAT activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. The sponsorship should always be related to the Academy's/school/BMAT interests and/or the authority's departmental or corporate activities and never for personal benefit only. Particular care must be taken when dealing with contractors or potential contractors.

28. Academy Property and personal possessions

- 28.1 Employees must ensure they take care of Academy/school/BMAT property at all times. If employees are found to have caused damage to Academy /school/BMAT property through misuse or carelessness this may result in disciplinary action.
- 28.2 Employees are responsible for the safety and security of their personal possessions while on Academy/school/BMAT premises. The Academy/School/BMAT will not accept responsibility for the loss or damage of personal possessions.

29. Reporting Concerns and Recording Incidents

All Staff, LAB Members and volunteers must report concerns and incidents in accordance with the guidance set out in Keeping Children Safe in Education DfE and in accordance with Whistle Blowing policy. In the event of an allegation being made, or incident being witnessed, the relevant information should be immediately recorded and reported to the Executive Headteacher/ Headteacher/ Head of School, Line Manager, Senior Manager or Designated Safeguarding Lead as appropriate. An employee who fails to bring a matter of concern to the attention of senior management and/or the relevant agencies will be subject to disciplinary action.

In addition to behaviours outlined elsewhere in this Code and, the types of abuse and neglect set out in Keeping Children Safe in Education DfE, the following is a non-exhaustive list of some further behaviours which would be a cause for concern:

An Adult who:

- Allows a pupil/young person to be treated badly; pretends not to know it is happening
- Gossips/shares information inappropriately
- Demonstrates inappropriate discriminatory behaviour and/or uses inappropriate language
- Dresses in a way which is inappropriate for the job role
- Does not treat pupils fairly - demonstrates favouritism
- Demonstrates a lack of understanding about personal and professional boundaries
- Uses his/her position of trust to intimidate, threaten, coerce or undermine
- Appears to have an inappropriate social relationship with a pupil or pupils
- Appears to have special or different relationships with a pupil or pupils

- Seems to seek out unnecessary opportunities to be alone with a pupil

30. Monitoring and Review

The Executive Headteacher/Headteacher/ Head of School or delegated person is responsible for monitoring the implementation, use and effectiveness of this policy and will report on these matters annually or more frequently if necessary.

This policy will be reviewed by the Board of Directors as necessary.

Appendix A – Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings (DCSF 2009)

Below are the key expectations set out in the Guidance. A copy of the full document can be accessed:

<http://www.education.gov.uk/complexneeds/modules/Module-4.2-Safeguarding---privacy.-dignity-and-personal-care/B/m14p030b.html>

The following should be read in conjunction with the body of the Code of Conduct and other relevant Academy's' policies and procedures.

1. Duty of Care

All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from sexual, physical and emotional harm. Children have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of pupils. Failure to do so may be regarded as professional neglect.

The duty of care is, in part, exercised through the development of respectful, caring and professional relationships between staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgement.

This means that adults should:

understand the responsibilities, which are part of their employment or role

always act, and be seen to act, in the child's best interests

avoid any conduct which would lead any reasonable person to question their motivation and intentions

take responsibility for their own actions and behaviour

2. Making a Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not appropriate behaviour for adults in all circumstances. There may be occasions and circumstances in which adults have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to seek advice wherever possible prior to acting, or in an emergency, to make judgements to secure the best interests and welfare of the children in their charge. Such judgements should always be recorded and shared with a member of the senior management team and with the parent or carer. In undertaking these actions individuals will be seen to be acting reasonably.

3. Power and Positions of Trust

Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity.

A relationship between an adult and a child or young person is not a relationship between equals. There is potential for exploitation and harm of vulnerable young people. Adults therefore have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

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

Where a person aged 18 or over is in a specified position of trust with a child under 18, 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.

4. The Use of Personal Living Space¹

No child or young person should be in or invited into, the home of an adult who works with them, unless the reason for this has been firmly established and agreed with parents/ carers and a senior manager or Headteacher.

Under no circumstances should pupils assist with chores or tasks in the home of an adult who works with them. Neither should they be asked to do so by friends or family of that adult.

5. Gifts, Rewards and Favouritism

The giving of gifts or rewards to pupils should only be part of an agreed policy for supporting positive behaviour or recognising particular achievements.

The giving of gifts is only acceptable practice where, in line with the agreed policy, the adult has first discussed the giving of the gift and the reason for it, with the Headteacher, senior manager and the parent or carer and the action is recorded. Any gifts should be given openly and not be based on favouritism.

Staff should exercise care when selecting pupils for Academy teams, productions, trips and/or specific work tasks in order to avoid perceptions of favouritism or injustice. Similar care should be exercised when pupils are excluded from an activity. Methods of selection and exclusion should always be subject to clear, agreed criteria.

There are occasions when children, young people or parents wish to pass small tokens of appreciation to adults e.g. on special occasions or as a thank-you and this is acceptable. It is inappropriate to receive gifts on a regular basis or of any significant value.

6. Infatuations

Occasionally, a child or young person may develop an infatuation with an adult who works with them. These adults should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

An adult, who becomes aware that a child or young person is developing an infatuation, should discuss this at the earliest opportunity with a Headteacher, senior manager and parent/carer so appropriate action can be taken to avoid any hurt, distress or embarrassment.

7. Communication with Pupils (including the Use of Technology)

Communication between pupils and adults, by whatever method, should take place within clear and explicit professional boundaries as set out in this Code of Conduct and relevant IT policies.

Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny.

Adults should also be circumspect in their communications with children 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 pupils including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with senior management and parents/carers. E-mail or text communications between an adult and a child young person outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites.

8. Social Contact

Adults should not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. If a pupil or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response. There will be occasions when there are social contacts between pupils and staff, where for example the parent and teacher are part of the same social circle. These contacts however, will be easily recognised and openly acknowledged.

Nevertheless, there must be awareness on the part of those working with children and young people that some social contacts, especially where these are not common knowledge can be misconstrued as being part of a grooming process. This can also apply to social contacts made through outside interests or through the staff member's own family. It is recognised that staff can support a parent who may be in particular difficulty. Care needs to be exercised in those situations where the parent comes to depend upon the staff member for support outside their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

9. Sexual Contact

All adults should clearly understand the need to maintain appropriate boundaries in their contacts with pupils. Intimate or sexual relationships between children/young people and the adults who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

Any sexual activity between an adult and the child or young person with whom they work may be regarded as a criminal offence and will always be a matter for disciplinary action. All children and young people are protected by specific legal provisions in this respect regardless of whether the child or young person consents or not. The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Working together to Safeguard Children'², defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening".

Adults should be aware that consistently conferring inappropriate special attention and favour upon a child might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

10. Physical Contact

Any physical contact should always be in line with the Academy's policy on behaviour management and physical contact.

Generally:

²Working Together to Safeguard Children .A guide to interagency working to safeguard and promote the welfare of children HM Government 2006

When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background.

Staff should therefore, use their professional judgement at all times.

Unusual incidents should be recorded as soon as possible in the Academy's incident book and, if appropriate, a copy placed on the child's file.

Where feasible, staff should seek the child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or feelings and – so far as is possible - use a level of contact and/or form of communication which is acceptable to the child for the minimum time necessary.

Children with special needs may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

In circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to sensitively deter the child and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager and the parent/carer.

Physical intervention should only be used to manage a child or young person's behaviour if it is necessary to prevent personal injury to the child, other children or an adult, to prevent serious damage to property or in what would reasonably be regarded as exceptional circumstances.

11. Children and Young People in Distress

There may be occasions when a distressed child needs comfort and reassurance and this may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. Adults should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

Where an adult has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager and parents/carers.

12. Intimate Care

Some job responsibilities necessitate intimate physical contact with children on a regular basis, for example assisting young children with toileting, providing intimate care for children with disabilities or in the provision of medical care. The nature, circumstances and context of such contact should comply with professional codes of practice or guidance and/or be part of a formally agreed plan, which is regularly reviewed. The additional vulnerabilities that may arise from a physical or learning disability should be taken into account and be recorded as part of an agreed care plan. The emotional responses of any child to intimate care should be carefully and sensitively observed, and where necessary, any concerns passed to Headteacher or senior managers and parents/carers.

All children have a right to safety, privacy and dignity when contact of a physical or intimate nature is required and depending on their abilities, age and maturity should be encouraged to act as independently as possible.

The views of the child should be actively sought, wherever possible, when drawing up and reviewing formal arrangements. As with all individual arrangements for intimate care needs, agreements between the child, parents/carers and the Academy/service must be negotiated and recorded.

13. Personal Care

Young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard young people and/or satisfy health and safety considerations. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

Adults need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the pupils with whom they work.

14. First Aid and Administration of Medication

Medication and First Aid must only be administered in accordance with Academy policies.

15. One to One Situations/Home visits

Where there is a need for an adult and young person to be alone together or for an adult to visit a young person's home this should be within recognised policies and procedures.

Pre-arranged meetings with pupils away from the Academy premises should not occur unless prior approval is obtained from their parent and the Headteacher or other senior colleague with delegated authority.

16. Transporting Pupils

In certain situations e.g. out of Academy activities, staff or volunteers may transport children – such arrangements are subject to strict policies and procedures.

It is inappropriate for adults to offer lifts to a child or young person outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/carers.

There may be occasions where the child or young person requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

17. Educational Visits and After-Academy Activities

Trips and Activities are subject to specific policies and procedures.

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

18. Photography and Videos

Working with pupils may involve the taking or recording of images. Any such work should take

place with due regard to the law and the need to safeguard the privacy, dignity, safety and wellbeing of pupils. Informed written consent from parents or carers and agreement, where possible, from the child or young person, should always be sought before an image is taken for any purpose.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings.

It is not appropriate for adults to take photographs of children for their personal use.

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

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

Appendix B – Email Good Practice Guide

Good Practice	
Read receipt	When it is important to know that a recipient has opened a message, it is recommended that the sender invoke the 'read receipt' option.
Attachment formats	When attaching a file it will have a specific format. Be aware of the possibility that a recipient may not have the software necessary to read the attachment. Format incompatibility can occur even between successive versions of the same software, e.g. different version of Microsoft Word.
E-mail address groups	If messages are regularly sent to the same group of people, the addressing process can be speeded up by the creation of a personal group in the personal address book.
Message header, or subject	Convey as much information as possible within the size limitation. This will help those who get a lot of e-mails to decide which are most important, or to spot one they are waiting for.
Subject	Avoid sending messages dealing with more than one subject. These are difficult to give a meaningful subject heading to, difficult for the recipient to forward on to others for action, and difficult to archive.
Recipients	Beware of sending messages to too many recipients at once. When sending messages for more than one-person's use be sure to indicate people for whom there is some expectation of action or who have central interest. CC to indicate those who have peripheral interest and who are not expected to take action or respond unless they wish to do so.
Replying	When replying to a message sent to more than one person, do not routinely reply to all recipients of the original message. Consider who needs to read your reply, e.g. if the sender is organising a meeting and asking you for availability dates, you need only reply to the sender.
Absent	If you have your own e-mail address, it is possible, for users of MS Exchange or have local enhancements to MS-mail, to set the 'out of office' message when you are going to be away for some time, e.g. on annual leave. You won't lose your messages, they will await your return, but the sender will know that you're not there and can take alternative action if necessary.
Evidential record	Never forget that electronic conversations can produce an evidential record which is absent in a telephone conversation. Comments made by an employee during the course of an exchange of e-mails could be used in support, or in defence, of the Academy's legal position in the event of a dispute.
Legal records	Computer generated information can now be used in evidence in the courts. Conversations conducted over the e-mail can result in legally binding contracts being put into place.
Distribution lists	Keep personal distribution lists up-to-date and ensure you remove individuals from lists that no longer apply to them
E-Mail threads	Include the previous message when making a reply. This is called a thread. Threads are a series of responses to an original message. It is best that a response to a message is continued by using reply accessed on the quick menu bar, rather than start an entirely new message for a response. Keep the thread information together. It is easier for the participants to follow the chain of information already exchanged. If the message gets too long the previous parts can be edited while still leaving the essence of the message.
Context	E-mail in the right context, care should be taken to use e-mail where appropriate. There may be occasions when a telephone call would be more appropriate especially on delicate matters. Beware of the use of excessive use of capitals. It can be interpreted as shouting so consider how the style of your email may be interpreted by its recipient.

Forwarding e-mails	Consideration should be given when forwarding e-mails that it may contain information that you should consult with the originator before passing to someone else
Large e-mails	For larger emails, particularly Internet e-mails, where possible send at the end of the day as they may cause queues to form and slow other peoples e-mail.

Appendix C - Examples of unacceptable behaviour using social networking sites

1. Breach of contract

There is an implied term of mutual trust and confidence between employer and employee in all employment contracts. A very negative and damaging posting or communication on a social networking site about the Academy or colleagues may entitle the Executive Principal/ Executive Headteacher/Headteacher/line manager to decide that this term has been broken. Such conduct would be subject to the Burnt Mill Academy Trust's disciplinary procedure and could warrant the employee's dismissal.

Emails are capable of forming contractual documents. Contracts can easily be formed by careless emails and non-compliance with the terms of any such contracts will render an organisation liable for a breach of contract claim. Emails tend not to be subject to the same safeguard procedures as paper documents which are often checked before they are signed off.

2. Defamation

If an employee places defamatory information or material on a social networking site such as bad mouthing another colleague or a pupil of the Academy, such conduct would be subject to the Academy's disciplinary procedure and could lead to the employee's dismissal.

3. Discrimination

The Academy's recruitment and selection policy provides the correct and proper procedures to be used in the recruitment and selection of staff. Candidates should be selected on the basis of testable evidence provided on application forms and through the selection process and references as provided by the applicant. Under no circumstances should information from social networking sites be used to make selection decisions. Such action could result in expensive discrimination claims. For example - not all candidates will have profiles on social networking sites and using information from this source may be seen as giving an unfair advantage or disadvantage to certain candidates, possibly discriminating against younger people who are likely to use social networking sites more often.

Many forms of discrimination claims, including harassment claims can occur via emails, If an employee places discriminatory material about another employee, a member of the Local Advisory Board/Directors, parents, children, young people, and vulnerable adults, this could amount to bullying or harassment of that individual. The Academy may be vicariously liable for such acts unless it took such steps that were reasonably practicable to prevent material being placed on a site. Where an employee carries out an act of harassment or discrimination in the course of their employment, the Academy is vicariously liable for that act even when the act is unauthorised. Once an issue of email harassment has been raised and the harasser identified, immediate action should be taken to stop the harassment and instigate the disciplinary procedure while supporting the harassed employee.

4. Breach of health and safety

For example an internet video clip of employees performing stunts wearing the organisations uniform. When information like this is found, the Academy should follow the company's disciplinary procedure to investigate the possibility of a breach of health and safety legislation on the part of the employee. If an Academy is aware of this and fails to investigate there may be liability for personal injuries in the law of negligence.

Appendix D – Whistleblowing

Policy Public Interest Disclosure

Act 1998

1. Introduction

- 1.1 The Public Interest Disclosure Act 1998 (“the Act”) protects workers and employees from detrimental treatment or dismissal as a consequence of disclosing information about unlawful actions of their employer or information about the conduct or behaviour of employees, volunteers or others associated with the operation and organisation of the Academy. This is known as “whistleblowing”. The protection applies to employees, volunteers, agency and contract workers.
- 1.2 If an employee/worker makes a disclosure it must concern one of the 6 types of “qualifying disclosure” specified in the Act to be protected. These are where there has been or is likely to be:
- a breach of any legal obligation;
 - a miscarriage of justice;
 - a criminal offence;
 - a danger to the Health and Safety of any individual;
 - damage to the environment; and,
 - deliberate concealment of information about any of the above

The employee/worker raising the concern must reasonably believe they are doing so in the public interest. Concerns should normally be raised initially with the employee’s line manager. If a concern is raised verbally it should be followed up in writing wherever possible. However, where the complaint relates to the employee’s line manager, the complaint should be brought to the attention of a more senior manager, the Executive Principal/ Executive Headteacher/Headteacher or the Chair of LAB.

2. Raising concerns

- 2.1 Where having raised a concern informally and the employee/worker has a genuine belief that the Academy has failed to take appropriate action or the employee/worker considers the informal process is inappropriate and wishes to raise the matter formally, they may report their concern to the Chair of LAB or in exceptional circumstances to the Local Authority or to a prescribed body. (A prescribed body is an organisation, normally with some regulatory function (for example the Health and Safety Executive), which is prescribed by the Secretary of State for the purposes of the Act who an individual may make a protected disclosure to. Any such disclosure to a prescribed body will qualify for protection under the Act. A list of prescribed bodies is available at www.direct.gov.uk)
- 2.2 Where the complaint is serious, for example involving fraud, theft or other potential gross misconduct, employees/workers should act quickly to report it but should not mention it to the subject of the complainant or other colleagues as that could prejudice any investigatory process.
- 2.3 It may be the case that employees/workers will have very genuine and justified suspicions of wrong-doing even though at the time of reporting they cannot point to concrete evidence. That

should not deter employees/workers from going ahead and reporting the matter, particularly where it may involve potential risk to vulnerable people.

3. Action by recipients of disclosures

- 3.1 It would be inappropriate to have hard or fast rules and judgement must be exercised. While it is essential for problems to be tackled effectively and with the aim of righting wrongs, this may well be best achieved in many less serious cases by discussion with the 'offending' employee/worker and securing a commitment as to future standards and corrective action. In other more serious cases the matter may need to be passed to a more senior level of management or directly to the Local Advisory Board/Directors, as appropriate.
- 3.2 Where complaints are received from members of the public, the Academy's formal complaints procedure (as contained in the Academy Customer Care Code of Practice) must be followed, unless the complaint relates to the specific conduct or performance of an individual employee/worker in which case the Disciplinary Procedure may need to be instigated.
- 3.3 Any written complaint/allegation should be given a written acknowledgement and confirmation that the matter will be looked into. Unless clearly made in a very low key way about minor matters, verbal complaints/allegations should receive a written acknowledgement in the same way.
- 3.4 In the event of the allegation being of a very serious nature, for example relating to a fraud or other potential gross misconduct offence, there may well be a need to involve the Academy's auditors and/or the police. This should normally be agreed initially by the Chair of LAB who should, in turn, and where appropriate, keep the Local Authority informed in view of any possible implications concerning public monies. Advice may be sought from the Academy's legal advisers before involving the police in any such internal complaint or allegation.
- 3.5 When any complaint or allegation has been looked into and resolved or dealt with, the person who raised the matter in the first instance should be notified of that, normally in writing unless common-sense indicates that it can be done more appropriately in a verbal, informal way. How much detail to give of findings and outcomes is a matter of judgement and it would, for example, be inappropriate to disclose details of disciplinary actions taken against another employee.

4. Protecting 'whistle-blowers' and complainants

- 4.1 Whistle-blowers are protected by the Act from suffering a detriment or dismissal as a result of making a protected disclosure which they reasonably believe is in the public interest.

A 'whistleblower' may ask for their identity to be kept concealed. Frequently the answer will be yes, but in more serious cases where disciplinary action may have to be taken against others they may well have a right to know the source as well as the nature of such complaints. In any case the Academy is committed to doing as much as possible to ensure that well-being at work does not suffer as a result of the tensions that may result from the making or investigation of complaints.

- 4.2 If an individual believes they are experiencing harassment or victimisation at work as a consequence of 'whistleblowing' they are strongly encouraged to bring this to an appropriate senior manager's attention at an early stage so that it can be addressed. The Academy will take all reasonable steps to prevent/address such harassment or victimisation.
- 4.3 Whether or not work relationships suffer in this way it may well be that 'whistle-blowers' will find the process of reporting wrong-doing and making statements etc stressful, particularly where there may be feelings of divided loyalties. In such circumstances the 'whistleblower'

may welcome the opportunity to talk through these anxieties and feelings either with their manager, or possibly, with someone from a counselling service. This is to be encouraged.

5. What if an employee receives a complaint about him/herself?

- 5.1 If the complaint or allegation is at all significant or made in a formal way, particularly by a member of the public or other external users, then employees/workers should inform their line manager or Chair of LAB in the case of Headteachers – even if they believe or know the complaint to be groundless or unjustified.
- 5.2 Where a complaint or ‘grumble’ clearly does not justify taking up the line in this way, making a brief note on a file or diary or similar will often be advisable.

6. Malicious allegations

- 6.1 If, following appropriate investigation, it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the public interest, this will be taken as a most serious matter and may potentially lead to disciplinary action in line with the Academy’s disciplinary procedure.
- 6.2 If an individual engaged by the Academy makes a malicious allegation, the Academy will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract with the individual.