

**Guidance for Safer Working Practice for  
those working with Children in  
Education and Early Years Settings  
September 2014**

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## I. Definitions

For ease of reading, references will be made to 'school' and 'setting'. This term encompasses all types of NYCC maintained and supported educational establishments. Other educational establishments e.g. Academies, Independent and free schools, FE Institutions and Sixth Form Colleges may also wish to adopt this guidance.

References made to 'child' and 'children' refer to children and young people under the age of 18 years.

**Whilst references are made to adults, and staff, this refers to all those who work with children, irrespective of age, at an education setting, in either a paid or unpaid capacity. This would also include, for example, those who are not directly employed by the school or setting e.g. Local Authority Staff, sports coaches**

The guidance does not apply to individual child-minders working alone, although, where practicable, they should aim to follow this guidance.

The term "allegation" means where it is alleged that a person who works with children 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 they may pose a risk of harm to children

## II. Overview and Purpose of Guidance

This document is an NYCC adaptation and update of national guidance initially published for schools by DfES, then for the use of the wider children's workforce by DCSF. It was initially produced as those working with children had expressed concern about their vulnerability and requested clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. They asked for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided.

The document seeks to ensure that the duty of care towards children and staff is promoted by raising awareness of illegal, unsafe and unwise behaviour. It should assist staff to monitor their own standards and practice.

The guidance will also support employers in giving a clear message that unlawful or unsafe behaviour will not be tolerated and that where appropriate, legal or disciplinary action is likely to follow.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that any such guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by the employer. It is expected that in these circumstances staff will always advise their senior colleagues of the justification for any such action already taken or proposed.

Statutory Guidance *Keeping Children Safe in Education* DfE April 2014 states that “all staff should be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction. This includes the school’s child protection policy and documentation referred to within.

This document is of relevance to Early Years settings in meeting the statutory Early Years Foundation Stage Safeguarding and Welfare requirements.

It is recognised that the vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children in their care. Achieving these aims is not always straightforward, as much relies on child and staff interactions where tensions and misunderstandings can occur.

Allegations may be genuine, false or misplaced, they may arise from differing perceptions of the same event, however, when they occur, are inevitably distressing and difficult for all concerned.

There are some adults who seek out, create or exploit opportunities to harm children and it is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them do so safely.

**Further to the above and DfE recommendations following the 2011 North Somerset Serious Case Review, NYCC recommended that Schools and Early Years setting adopt this Safer Working Practice Guidance as part of their staff behaviour policy. This should be covered as part of induction and an on-going basis to ensure that all staff and volunteers are aware of expected conduct and behaviours that keep adults and children safe.**

### III. Underpinning Principles

- The welfare of the child is paramount (Children Act 1989)
- Adults should understand their responsibilities to safeguard and promote the welfare of children.
- Adults 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
- Adults should work, and be seen to work, in an open and transparent way
- Adults should discuss and/or take advice promptly from their line manager or another senior member of adults about any incident which may give rise to concern
- Records should be made of any such incident and of decisions made/further actions agreed, in accordance with the school or setting’s policy for keeping and maintaining records on allegations against adults. Early Years settings should keep a separate recording system for more general ‘complaints’ and make this available for OfSTED inspection.
- Adults should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual identity.

- Adults should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported
- Adults must not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children and they must not smoke on the premises
- Adults should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them
- Adults and managers should continually monitor and review practice and ensure this guidance is followed
- Adults should be aware of their establishment's child protection and allegations against adults policy and procedures, whistle blowing policy and the NYSCB procedures for handling allegations against adults ([www.safeguardingchildren.co.uk](http://www.safeguardingchildren.co.uk) )
- Wherever there is an allegation against a person working with children the North Yorkshire Safeguarding Children Board procedures should be followed and the Local Authority Designated Officer informed. Early Years settings also need to inform Ofsted.

#### **IV How to Use the Document**

Each section provides general guidance about a particular aspect of work undertaken with children and, in the right hand column, specific guidance about which behaviours should be avoided and which are recommended.

Some schools and settings will need to adapt or add to the guidance to meet their specific practices, contexts and the age of children in the specific school / setting. Not all aspects of the guidance will be relevant to all educational establishments.

## 1. Introduction

Adults have a crucial role to play in the lives of children. This guidance has been produced to help adults establish the safest possible learning and working environments which safeguard children and reduce the risk of them being falsely accused of improper or unprofessional conduct.

## 2. Status of Document

This document is endorsed and recommended by North Yorkshire County Council. It should inform and assist employers to develop and review their guidelines on safer working practices. It will be used as reference by the Local Authority Designated Officer (LADO)\* when responding to any allegations made against adults.

## 3. Duty of Care

Staff are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children.

All staff have a duty to keep children safe and to protect them from sexual, physical and emotional harm and neglect. 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 children. 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 adults and children and behaviour by an adult that demonstrates integrity, maturity and good judgement.

The public, Local Authorities, employers and parents have legitimate expectations about the nature of professional involvement in the lives of children. When individuals accept a role working with children, they should understand and acknowledge the responsibilities and trust involved in that role.

Employers have a duty of care towards their employees under the Health and Safety legislation which requires them to provide a safe working environment for adults. Thus, employers have a duty of care for the well-being of employees and to ensure

*This means that these guidelines:*

- apply to **all** adults working in Education or Early Years settings whatever their position, role or responsibilities

*\*the LADO is the person to whom allegations against adults should be reported to in the first instance*

*This means that adults should:*

- understand the responsibilities which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached
- 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

*This means that employers should:*

- promote a culture of openness and support
- ensure that systems are in place for concerns to be raised
- ensure that adults are not placed in situations which render them particularly vulnerable
- ensure that all adults are aware of expectations, policies and procedures

*This means that Managers / Owners / Governing Bodies should:*

- ensure that appropriate safeguarding and child protection policies and procedures are distributed, adopted, implemented and monitored

that employees are treated fairly and reasonably in all circumstances.

Legislation also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the adults' duty of care towards children should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

#### **4. Exercise of Professional Judgement**

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for adults. It does highlight however, behaviour that is illegal, inappropriate or inadvisable. There will be occasions and circumstances in which adults have to make decisions or take action in the best interest of the child which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge and in so doing, will be seen to be acting reasonably. These judgements should always be recorded and shared with a manager.

Adults should always consider whether their actions are warranted, proportionate, safe and applied equitably. They should ensure that they are not exercising any favouritism, nor scapegoating or 'picking-on' any child.

#### **5. Power and Positions of Trust and Authority**

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children are in positions of trust in relation to the children in their care.

The relationship between a person working with children and a child is one in which the adult has a position of power or influence. It is vital for adults to understand this power that the relationship cannot be one between equals and the responsibility they must exercise as a consequence.

The potential for exploitation and harm of vulnerable children means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

*This means that where no specific guidance exists adults should:*

- *discuss the circumstances that informed their action, or their proposed action, with a senior staff member. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- *always discuss any misunderstanding, accidents or threats with a senior staff member*
- *always record discussions and actions taken with their justifications*
- *record any areas of disagreement and, if necessary refer to another agency/the LA/Ofsted/Regulatory Body*

*This means that adults should not:*

- *use their position to gain access to information for their own advantage and/or a child's or family's detriment*
- *use their power to intimidate, threaten, coerce or undermine children*
- *use their status and standing to form or promote relationships with children which are of a sexual nature, or which may become so*



Adults should always maintain appropriate professional boundaries, avoid behaviour which might be misinterpreted by others and report and record any incident which could have been misinterpreted.

Where a person aged 18 or over is in a 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.

## 6. Confidentiality

The storing and processing of personal information about children is governed by the Data Protection Act 1998. Employers should provide clear advice to staff about their responsibilities under this legislation so that when considering sharing confidential information these principles should apply.

Members of staff may have access to confidential information about children in order to undertake their everyday responsibilities. In some circumstances adults may be given highly sensitive or private information, these must be kept confidential at all times and only shared when legally permissible to do so and in the interest of the child. Records should only be shared with those who have a legitimate professional need to see them.

Adults should never use confidential or personal information about a child or her/his family for their own, or others advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the child.

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

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

If a member of staff is in any doubt about whether to

*This means that adults:*

- *are expected to treat information they receive about children in a discreet and confidential manner*
- *should seek advice from a senior member of staff if they are in any doubt about sharing information they hold or which has been requested of them*
- *need to be cautious when passing information to others about a child*
- *need to know the procedures for handling allegations against staff and to whom any concerns or allegations should be reported*
- *need to know the name of the Designated Person/ Lead Practitioner/ for Child Protection and be familiar with NYSCB child protection procedures and guidance:*  
[www.safeguardingchildren.co.uk](http://www.safeguardingchildren.co.uk)
- *need to ensure that where personal information is recorded using modern technologies that systems and devices are kept secure*

share information or keep it confidential he or she should seek guidance from a senior member of staff. Any media or legal enquiries should be passed to senior management.

## 7. Standards of Behaviour

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. They should adopt high standards of personal conduct in order to maintain confidence and respect of the general public and those with whom they work.

There may be times, for, example, where an individual's actions in their personal life come under scrutiny from the community, the media or public authorities, including with regard to their own children, or children or adults in the community.

Adults should be aware that their behaviour, either in or out of the workplace, could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the employer into disrepute. Such behaviour may also result in disqualification from childcare by Ofsted or a bar from working with children by the DBS or the relevant regulatory body.

The Childcare (Disqualification) regulations 2009 and Sec 75 and 76 Childcare Act 2006 sets out grounds for disqualification where the person, a person living with them, a person who works with them and cares for children, or lives and works on the premises where childcare is provided has either committed a relevant offence against a child; been subject to an order or determination removing a child from their care or preventing a child living with them; committed certain serious sexual or physical offences against an adult; been charged with certain offences against an adult; been included on the DBS children's barred list; been made subject to a disqualification order by the court; previously been refused registration as a childcare provider or provider or manager of a children's home or had such registration cancelled.

## 8. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However adults should consider the manner of dress and appearance appropriate to their professional role which may be

*This means that adults should not:*

- *behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model*
- *make, or encourage others to make sexual remarks to, or about a child*
- *use inappropriate language to, or in the presence of children*
- *discuss their own sexual relationships with or in the presence of children*
- *make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such*
  
- *This means that staff should: be aware that behaviour by themselves or others in their personal lives may impact on their work with children*

*This means that adults should wear clothing which:*

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is not likely to be viewed as offensive,*

different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be viewed as offensive or inappropriate could render themselves vulnerable to criticism or allegation.

- *revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory and is culturally sensitive*

## 9. Gifts, Rewards, Favouritism and Exclusion

The giving of gifts or rewards to children and the receiving of gifts from children and parents/carers should form part of the organisation's policy.

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

There are occasions when children or parents wish to pass small tokens of appreciation to adults e.g. at Christmas or as a thank-you and this is usually acceptable within the policy. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Similarly, it is inadvisable to give such personal gifts to children. This could be interpreted as a gesture either to bribe or groom a child. It might also be perceived that a 'favour' of some kind is expected in return.

Any reward given to a child should be in accordance with agreed practice, consistent with the school or setting's behaviour policy, recorded and not based on favouritism.

Adults should exercise care when selecting children for e.g. specific activities, jobs, privileges 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.

## 10. Infatuations and 'crushes'

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

*This means that adults should:*

- *be aware of their organisation's policies*
- *ensure that gifts received or given in situations which may be misconstrued are declared and recorded*
- *only give gifts to any child as part of an agreed reward system*
- *where giving gifts other than as above, ensure that these are of insignificant value and given to all children equally*
- *ensure that all selection processes of children are fair and these are undertaken and agreed by more than one member of staff*
- *ensure that they do not behave in a manner which is either favourable or unfavourable to individual children*

*This means that staff should:*

- *report any indications (verbal, written or physical) that suggest a young person may be infatuated with a member of staff*

*This means that senior managers should:*

- *put action plans in place where concerns are brought to their attention*

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

The senior manager should give careful thought to those circumstances where the staff member, child and their parent should be spoken to and a plan to manage the situation put in place which responds sensitively to the child and staff member and maintains the dignity of all. Any such plan should involve all parties, be robust and regularly monitored and reviewed.

## **11. Social Contact Outside of the Workplace**

Whilst it is acknowledged that adults may have genuine friendships with parents they should be aware that people who sexually harm children will often seek to establish relationships and contact outside of the workplace with both the child and their parents, in order to 'groom' the adult and the child and/or create opportunities for sexual abuse.

If a child or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement. This also applies to social contacts made through outside interests or the staff member's own family.

It is recognised that adults 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

## **12. Communication with Children (including the use of Technology)**

In order to make best use of the many educational and social benefits of new and emerging technologies, children need opportunities to use and explore the digital world, using multiple devices from multiple

*This means that adults should:*

- *always approve any planned social contact with children or parents with senior colleagues, for example when it is part of a reward scheme*
- *advise senior management of any regular social contact they have with a child which may give rise to concern (e.g. through clubs)*
- *refrain from sending personal communication to children and parents e.g. letters and cards, unless agreed with senior managers*
- *inform senior management of any relationship with a parent where this extends beyond the usual parent/professional relationship*
- *inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting*

*This means that adults should:*

- *not seek to communicate/make contact or respond to contact with children*

locations. It is now recognised that e.safety risks are posed more by behaviours and values than the technology itself.

Adults must therefore ensure that they establish safe and responsible online behaviours. This means working to local and national guidelines and acceptable user policies <http://cyps.northyorks.gov.uk/index.aspx?articleid=27322> These detail the way in which new and emerging technologies may and may not be used and identify the sanctions for misuse.

Communication with children, by whatever method, (both in the 'real' world and through web based and telecommunication interactions) should take place within clear and explicit professional boundaries. This includes the use of technology such as computers, mobile 'phones, smart phones, text messages, e-mails, instant messages and the use of social networking sites such as Facebook and Twitter, chat-rooms, forums, blogs, websites, gaming sites etc. digital cameras, videos, web-cams and other hand held devices. (Given the ever changing world of technology it should be noted that this list gives examples only and is not exhaustive.)

Staff should not request or respond to any personal information from children other than which may be necessary in their professional role. They should ensure that their communications are open and transparent and avoid any communication which could be interpreted as 'grooming behaviour'

Staff should not give their personal contact details to children for example, e-mail address, home or mobile telephone numbers, details of web based identities. If children locate these by any other means and attempt to contact or correspond with the staff member, they should not respond, report the matter to their manager and the child should be firmly and politely informed that this is not acceptable.

Staff should, in any communication with children, also follow the guidance in section 7 'Standards of Behaviour'.

Staff should adhere to their establishment's policies, including those with regard to communication with parents and information they share when using the worldwide web.

- *outside of the purposes of their work*
- *not give out their personal details*
- *use only equipment and Internet services provided by the school or setting*
- *follow their school / setting's AUP policy*

### 13. Physical Contact /Touching Children

There are occasions when it is entirely appropriate and proper for adults to have physical contact with children, however, it is crucial that they only do so in ways appropriate to their professional role and in relation to the child's needs and any agreed care plan.

Not all children feel comfortable about certain types of physical contact, this should be recognised and, wherever possible adults should seek the child's permission before initiating contact and be sensitive to any signs that the child may be uncomfortable or embarrassed. Adults should acknowledge that some children are more comfortable with touch than others and/or may be more comfortable with touch from some adults than others. Adults 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 and for the minimum time necessary. Where the child is very young there should be discussion with the parent/carer about necessary and acceptable physical contact.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. It should be in response to the child's needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. Adults should therefore, use their professional judgement at all times.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action by them or a colleague could be misinterpreted, or if an action is observed which is possibly abusive the incident and circumstances should be immediately reported to the manager and recorded. Where appropriate, the manager should consult with the LADO.

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and it is recognised that many such children may seek out inappropriate physical contact. In such circumstances adults should deter the child

*This means that adults should:*

- *be aware that even well intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described*
- *never touch a child in a way which may be considered indecent*
- *always be prepared to explain actions and accept that all physical contact be open to scrutiny*
- *never indulge in e.g. horseplay or fun fights*
- *always allow/encourage children, where able, to undertake self-care tasks independently*
- *consider the way in which they offer comfort to a distressed child*
- *always tell a colleague when and how they offered comfort to a distressed child*
- *ask the preferences of children who can communicate*
- *consider alternatives, where it is anticipated that a child might misinterpret or be uncomfortable with physical contact*
- *always explain to the child the reason why contact is necessary and what form that contact will take*
- *report and record situations which may give rise to concern*
- *be aware of cultural or religious views about touching and be sensitive to issues of gender*

*This means that schools and settings should:*

- *ensure they have a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management*
- *provide adults, on a "need to know" basis, with relevant information about vulnerable children in their care*

sensitively by helping them to understand the importance of personal boundaries.

The general culture of 'limited touch' should be adopted, where appropriate, to the individual requirements of each child. 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.

#### **14. Other Activities that require Physical Contact**

Some adults who work in certain settings, for example sports, drama or outdoor activities or teach specific subjects such as PE or music, will have to initiate some physical contact with children, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child so they can perform an activity safely or prevent injury.

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear and undertaken with the permission of the child/young person. Contact should be relevant to their age and / or understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

Guidance and protocols around safe and appropriate physical contact may be provided for example by sports governing bodies and should be understood and applied consistently. 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 or carer.

It is good practice, if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers, pupils informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

*This means that adults should:*

- *treat children with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a child the reason why contact is necessary and what form that contact will take*
- *seek consent of parents where a child or young person is unable to do so e.g. because of a disability*
- *consider alternatives, where it is anticipated that a pupil might misinterpret any such contact*
- *be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*
- *be aware of gender, cultural and religious issues that may need to be considered prior to initiating physical contact*

*This means that schools/settings should:*

- *have up to date guidance and protocols on appropriate physical contact in place that promote safe practice and include clear expectations of behaviour and conduct.*
- *ensure that staff are made aware of this guidance and continually promoted*

## 15. Intimate Care / Personal Care

Schools and settings should have clear nappy changing and intimate care policies which ensure that the health, safety and welfare of children is promoted and their dignity and privacy are respected. Arrangements for intimate care should be open and transparent and accompanied by recording systems.

Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. When assistance is required, adults should try to ensure that another appropriate adult is in the vicinity who is aware of the task to be undertaken and that, wherever possible, they are visible and/or audible.

A record should be kept of all intimate care tasks undertaken and, where they have been carried out in another room, include a record of times left and returned.

Any vulnerability that may arise from a physical disability or learning difficulty should be considered with regard to individual care plans for each child. The views and/or emotional responses of children with special educational needs, regardless of age and ability must be actively sought in regular reviews of these arrangements.

Young people 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 young people, 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 young people concerned and sensitive to the potential for embarrassment.

## 16. Behaviour Management

All children have a right to be treated with respect and dignity. Corporal punishment and smacking is unlawful across all schools and settings. Adults should not use any form of degrading or humiliating treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children is completely unacceptable in any situation.

Where children display difficult or challenging behaviour, adults must follow the behaviour policy

*This means that adults should:*

- *adhere to their organisation's intimate care and nappy changing policies*
- *make other adults aware of the task being undertaken*
- *explain to the child what is happening*
- *consult with colleagues where any variation from agreed procedure/care plan is necessary*
- *record the justification for any variations to the agreed procedure/care plan and share this information with parents*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms announce their intention of entering*
- *avoid remaining in the room unless the children's needs require it*

*This means that adults should not:*

- *change in the presence or sight of children*
- *shower with children*
- *assist with personal care tasks which the child can undertake themselves*

*This means that adults should:*

- *not use force as a form of punishment*
- *try to defuse situations before they escalate e.g. by distraction*
- *keep parents informed of any sanctions or behaviour management techniques used*
- *be mindful of and sensitive to factors both inside and outside of the school or setting which may impact on a child's behaviour*



outlined by their school or setting and use strategies appropriate to the circumstance and situation.

Where a child has specific needs in respect of particularly challenging behaviour, a positive handling plan, including assessment of risk, should be drawn up and agreed by all parties, including, for example, a medical officer where appropriate.

The use of isolation or seclusion in managing challenging behaviour must be carefully assessed and managed. Care must be taken to avoid conditions that could result in, unlawful imprisonment.

## 17. Care, Control and Physical Intervention

There is no law or guidance specific to Early Years settings regarding when adults can legitimately physically intervene, however adults must ensure that they provide a safe environment and fulfil their duty of care to both children and adults. Great care must be exercised in order that adults do not physically intervene in circumstances or in a manner which could be unlawful and thus be open to allegations of assault.

The law and guidance for schools states that adults may reasonably intervene to prevent a child 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.

The 1989 Children Act however, which applies to residential care settings, does not include the above 4<sup>th</sup> clause.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence. Where the school or setting judges that a child's behaviour presents a serious risk to themselves or others, they must always put in place a robust risk assessment which is reviewed at least half termly.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported to a manager and the child's parents.

- *follow the school or setting's behaviour management policy*
- *behave as a role model*
- *avoid shouting at children other than as a warning in an emergency/safety situation*
- *refer to North Yorkshire Guidance on Restrictive Physical Intervention (RPI) with children and young people (Sept. '14) for further information pages 16 -17*

*This means that schools and settings should:*

- *ensure that they have a lawful physical intervention policy consistent with NYCC guidance and regularly acquaint staff with it*
- *ensure that adults are provided with appropriate training and support*

*This means that adults should:*

- *adhere to the school or setting's physical intervention policy*
- *always seek to defuse situations and avoid the use of physical intervention wherever possible*
- *where physical intervention is necessary, only use minimum force and for the shortest time*
- *refer to North Yorkshire Guidance on Restrictive Physical Intervention (RPI) with children and young people (Sept. '14) for further information.*

## 18. Sexual Contact

Any sexual behaviour by a member of staff with or towards a child is illegal and will always be a matter for criminal and disciplinary action. Children are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether the child or young person consents or not. This includes the prohibition of sexual activity with adults in a position of trust.

Sexual activity involves physical contact including penetrative and non-penetrative acts, however also includes non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the purpose is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. All adults must receive training, so they are fully aware of those behaviours that may constitute 'grooming' and of their responsibility to always report to their manager should any concerns about the behaviour of a colleague.

## 19. One to One Situations

Adults working in one to one situations with children may be more vulnerable to allegations.

To ensure the safety and security needs of both adults and children are met managers should undertake a risk assessment in relation to the specific nature and implications of one to one work for each worker and put in place appropriate risk management measures. Each assessment should also take into account the individual needs of each child. Any arrangements should be reviewed on a regular basis.

Arranging to meet with children from the school or setting away from the work premises should not be permitted unless approval is obtained from the child's parent and a senior member of staff.

## 20. Home Visits

All work with children and parents will usually be undertaken in the school or setting or other recognised workplace. There are however occasions,

*This means that adults should:*

- *not have any form of sexual contact or relationship with a child either at or outside of the school or setting ( this includes any person under the age of 18 years with whom they are currently or have previously been in a relationship of trust)*
- *avoid any form of touch or comment which is, or may be considered to be, indecent*
- *avoid any form of communication with a child which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, by email or on social media, phone calls, texts, physical contact*
- *make sexual remarks to or about a child*
- *discuss sexual matters in the presence of children*

*This means that adults should:*

- *ensure that wherever possible there is visual access and/or an open door in one to one situations*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a child becomes distressed or angry to the manager*
- *consider the needs and circumstances of the child/children involved*

*This means that adults should:*

- *agree the purpose for any home visit with their manager*

in response to an urgent, planned or specific situation where it is necessary to make one-off or regular home visits.

It is essential that appropriate policies and related risk assessments are in place to safeguard both adults and children, who can be more vulnerable in these situations.

A risk assessment should be undertaken before any home visit takes place. The assessment should include an evaluation of any known factors regarding the child, parents and others living in the household which might render adults more vulnerable to an allegation being made e.g. hostility, child protection concerns, complaints or grievances. Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following the assessment, appropriate risk management measures should be put in place before the visit is undertaken. In the unlikely event that little or no information is available, visits should not be made alone.

## 21. Transporting Children and Young People

In certain situations adults or volunteers may be required or offer to transport children as part of their work. A designated member of staff should be appointed to plan and provide oversight of all transport arrangements and respond to any difficulties that may arise.

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

It is a legal requirement that all passengers wear seatbelts and the adult driver should ensure that they do so. They should also be aware of and adhere to current legislation regarding the use of car seats for younger children.

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

Adults should not offer to transport children outside of their normal working duties, other than in an

- *adhere to agreed risk management strategies*
- *avoid unannounced visits wherever possible*
- *ensure there is visual access and/or an open door in one to one situations*
- *always make detailed records including times of arrival and departure*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager*

*This means that schools and settings should:*

- *ensure that they have home visit and lone-working policies which all adults are made aware of. These should include arrangements for risk assessment and management*
- *ensure that all visits are justified and recorded*
- *ensure that adults are not exposed to unacceptable risk*
- *ensure that adults have access to a mobile telephone and an emergency contact person*

*This means that adults should:*

- *plan and agree arrangements with all parties in advance, responding sensitively and flexibly to disagreements*
- *take into account any specific or additional needs that the child may have*
- *have an appropriate licence for the vehicle*
- *ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/or ability to drive*
- *ensure that if they need to be alone with a child this is for the minimum time*
- *be aware that the safety and welfare of the child is their responsibility until this is safely passed over to a parent/carer*
- *report the nature of the journey, the route and expected time of arrival in accordance with agreed procedures*
- *ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven*
- *ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified if*

emergency or where not doing so would mean the child may be at risk. In these circumstances the matter should be recorded and reported to both their manager and the child's parents.

## 22. Educational Visits

Adults should take particular care when supervising children in the less formal atmosphere of an educational visit where a more relaxed discipline or informal dress and language code may be acceptable. However, adults remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out of school or setting activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Children, young people, adults and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings must pay careful attention to ensuring safe staff/child ratios and to the gender mix of staff.

Health and Safety arrangements require staff to keep colleagues/employers aware of their whereabouts, especially when involved in a visit.

## 23. First Aid and Medication

All schools and settings must have trained and appointed first-aiders. Staff may volunteer to undertake this task or it may be part of their contract of employment. Staff should receive appropriate training before administering first aid or medication.

Where children need prescribed medication during setting or school hours parents should be asked to provide written information of the correct dosage to be administered.

In circumstances where children need medication regularly a health care plan should be drawn up to ensure the safety and protection of children and adults.

With the permission of parents, children should be encouraged to self-administer medication or treatment including, for example any ointment, sun cream or use of inhalers.

*questioned*

- *refer to LA guidance 'handbook for Educational visits*  
<http://cyps.northyorks.gov.uk/index.aspx?articleid=12469>

*This means that adults should:*

- *adhere to the organisation's educational visits guidance*
- *always have another adult present on visits, unless otherwise agreed with senior staff*
- *undertake risk assessments*
- *have parental consent to the activity*
- *ensure that their behaviour remains professional at all times*
- *never share beds with a child/pupils.*
- *not share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with senior manager, parents and pupils*
- *refer to LA guidance 'handbook for Educational visits as in section 21*
- *refer to LA guidance about foreign exchanges (both to the UK and abroad)*  
<http://cyps.northyorks.gov.uk/index.aspx?articleid=29181>

*This means that adults should:*

- *adhere to the school or setting's health and safety and medicines policies*
- *ensure there are trained and named individuals to undertake first aid responsibilities*
- *ensure training is regularly monitored and updated*
- *make other adults aware of the task being undertaken*
- *have regard to any health plan which is in place*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*
- *explain to the child what is happening.*
- *always act and be seen to act in the child's best interest*
- *make a record of all medications administered*
- *have due regard to national and local guidance*
- *not work with children whilst taking*

If a member of staff is concerned or uncertain about the amount or type of medication being given to a child, this should be discussed with the appropriate senior colleague at the earliest opportunity.

When administering first aid, wherever possible, staff should ensure that another adult is present, or aware of the action being taken. Parents should always be informed when first aid has been administered.

Adults taking medication which may affect their ability to care for children should seek medical advice re their suitability to do so and providers must ensure that they only work directly with children if that advice confirms that the medication is unlikely to impair their ability to look after children properly. Staff medication on the premises must be securely stored and out of reach of children at all times

## 24. Photography, Videos and other Images

Many school and setting activities involve recording images. These may be undertaken for displays, publicity, to celebrate achievement and to provide records of evidence of the activity. Under no circumstances should staff be expected or allowed to use their personal equipment to take images of children at or on behalf of the school or setting.

All schools or settings should have arrangements with regard to the taking and use of images which forms part of their safeguarding and child protection policy. This should cover the wide range of devices which can be used for taking/recording images e.g. cameras, mobile-phones, smart phones, ipads, web-cams etc. and arrangements for the use of these by both staff and parents/visitors.

Whilst images are regularly used for very positive purposes adults need to be aware of the potential for images to be taken and/or misused or manipulated for pornographic or 'grooming' purposes. Particular regard needs to be given when images are taken of young or vulnerable children who may be unable to question why or how the activities are taking place.

Children who have been previously abused in a manner that involved images may feel particularly threatened by the use of photography, filming etc. Staff should remain sensitive to any children who

*medication unless medical advice confirms that they are able to do so*

- *refer to First Aid and Medication Guidance in CYPs Health and Safety and Managing Medication and Complex Health Care Needs of Children and Young People*

*This means that adults should:*

- *adhere to their school or setting's policy*
- *only take images of children where the parent/carer has given explicit written consent*
- *only take images of children where the child is happy for them to do so*
- *only retain images when there is a clear and agreed purpose for doing so*
- *store images in an appropriate secure place in the school or setting*
- *ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose*
- *be able to justify images of children in their possession*
- *avoid making images in one to one situations*

*This means that adults should not:*

- *take images of children for their personal use*
- *take, display or distribute images of children unless sure they have parental consent to do so (and, where appropriate, consent from the child)*
- *take images of children using personal equipment*
- *take images of children in a state of undress or semi-undress*
- *take images of children which could be considered as indecent or sexual*

appear uncomfortable and should recognise the potential for misinterpretation.

Making and using images of children will require the age - appropriate consent of the individual concerned and their legal guardians. Images should not be taken, displayed on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the setting have access.

For the protection of children, it is recommended that when using images for publicity purposes that the following guidance should be followed:

- if the image is used, avoid naming the child
- if the child is named, avoid using their image
- schools or settings should establish whether the image will be retained for further use, where and for how long
- images should be securely stored and used only by those authorised to do so.

## **25. Inappropriate Images**

Staff should take extreme care to ensure that children and young people are not exposed, through any medium, to inappropriate or indecent images.

There are no circumstances that will justify adults making, (including downloading,) possessing or distributing indecent images or pseudo-images of children, (child abuse images.) Accessing these images, whether using setting or personal equipment, on or off school or setting premises or making, storing or disseminating such material is illegal. If proven this will lead to criminal proceedings and the individual being barred from work with children.

If indecent images are discovered at the school or setting or on school or setting equipment an immediate referral should be made to the LADO. The images/equipment should be secured and there should be no attempt to delete the images as this could jeopardise necessary criminal action.

Under no circumstances should any adult use school or setting equipment to access adult pornography. Personal equipment containing adult pornography or links to it should never be brought into or used in the workplace. This will raise serious concerns about the suitability of the adult to continue working with children

*This means that adults should:*

- *follow the school or setting's acceptable use and e-safety policies*
- *ensure that children cannot be exposed to indecent or inappropriate images*
- *ensure that any films or material shown to children are age appropriate*

and young people.

Adults should keep their passwords confidential and not allow unauthorised access to equipment. In the event of any indecent images of children or unsuitable material being discovered on a computer, the equipment should: not be tampered with in any way ; secured and isolated from the network, and the LADO contacted without delay. Adults should not attempt to investigate the matter or evaluate the material themselves as this may lead to a contamination of evidence and a possibility they will be at risk of prosecution themselves.

## **26. Accommodation on site**

Generally, adults should not invite any child into their home unless the reason to do so has been firmly established and agreed with their manager and the child's parents.

It is not appropriate for adults to be expected or requested to use their private living space for any activity, play or learning. This includes seeing children for e.g. discussion of reports, academic reviews, tutorials, pastoral care or counselling. Management should ensure that appropriate accommodation is found elsewhere in the school or setting.

Under no circumstances should children be asked to assist adults living on site with jobs or tasks in their private accommodation.

This guidance should also apply to all persons living in or visiting the accommodation.

## **27. Overnight Supervision and Examinations**

There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process. In these circumstances examination boards may allow candidates to take an examination the following morning, including Saturdays. The supervision of a candidate on journeys to and from the centre and overnight may be undertaken by the candidate's parent/carer or centre staff. The examination board requires the centre to determine a method of supervision which ensures the candidate's wellbeing. As a result in some circumstances staff may be asked to volunteer to supervise students perhaps in their

*This means that adults should:*

- *be vigilant in maintaining their privacy when living in on-site accommodation*
- *be mindful of the need to avoid placing themselves in vulnerable situations*
- *refuse any request for their accommodation to be used as an additional resource for the school or setting*
- *be mindful of the need to maintain professional boundaries*
- *not ask children to undertake personal jobs or errands*

*This means that:*

- *schools should ensure that all arrangements reflect a duty of care towards pupils and staff*
- *a full health and safety risk assessment should have been undertaken*
- *all members of the household should have the appropriate checks made.*
- *all arrangements should be made in partnership and agreement with the student and parents/carers*
- *arrangements involving one to one supervision should be avoided wherever possible.*
- *as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far*

own homes.

North Yorkshire local authority does not endorse the practice of staff supervising candidates overnight unless as part of established 'looked after' or residential care, or in exceptional circumstances. This view is shared by professional associations / unions.

## 28. Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of 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. This can be supported by developing ground rules with pupils to ensure sensitive topics can be discussed in a safe learning environment. This plan should highlight particular areas of risk and sensitivity and care should especially be taken in those areas of the curriculum where usual boundaries or rules are less rigorously applied e.g. drama

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to children's questions requires careful judgement and staff should take guidance in these circumstances from a senior member of staff.

Care should also be taken to abide by the school's governing body's required policy on sex and relationships education and the wishes of parents. Parents have the right to withdraw their children from all or part of any sex education provided (but not from the National Curriculum for Science).

## 29. Whistle blowing

Whistle blowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. Each school / setting should have a clear and accessible whistle blowing policy that meets the terms of the Public Interest Disclosure Act 1998. Adults who use whistle blowing procedure have their employment rights protected.

Adults should acknowledge their individual responsibilities to bring matters of concern to the

*as is consistent with appropriate supervision*

- *whenever possible, independent oversight of arrangements should be made*
- *any situation which gives rise to complaint, disagreement or misunderstanding should be reported*
- *staff should have regard to any guidance that exists including the Joint Council for Qualifications 'Instructions for conducting examinations 2014-15'*

*This means that adults should:*

- *have clear written lesson plans*
- *take care when encouraging pupils to use self-expression, not to overstep personal and professional boundaries*
- *be able to justify all curriculum materials and relate these to clearly identifiable lessons plans.*

*This means that adults should not:*

- *enter into or encourage inappropriate discussions about sexual activity or any behaviours which may offend or harm others*

*This means that schools and settings should:*

- *have a whistle blowing policy in place which is known to adults*
- *have, as part of their safeguarding and child protection policy, clear procedures for dealing with allegations against persons working in or on behalf of the school or setting*

*This means that adults should:*



attention of senior management and/or relevant external agencies and that to not do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

- *report any behaviour by colleagues that raises concern*
- *report allegations against adults to their manager, or registered provider, or where they have concerns about the manager's response report directly to the LADO and OfSTED*

### **30. Sharing Concerns and Recording Incidents**

All adults should be aware of the safeguarding procedures, including procedures for dealing with allegations against staff and volunteers.

In the event of an allegation being made or incident being witnessed the relevant information should be immediately recorded and reported to senior staff.

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

Where staff have any concerns about the suitability of a colleague to work with children they should immediately report this to their manager.

*This means that adults should:*

- *be familiar with their school or setting's arrangements for reporting and recording concerns and allegations*
- *know how to contact the LADO and Ofsted directly if required*
- *take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the school or setting*

*This means that schools or settings should:*

- *have an effective, confidential system for recording and managing concerns raised by any individual regarding adults' conduct and allegations against staff and volunteers*