



Creative Inclusion

LEARNING STUDIO

Creative Inclusion: An Independent Alternative
Specialist Provision

Code of Conduct for Staff and Other Adults Policy

Effective Date: July 2025

Approved by: Advisory Board August 2025

Review Date: July 2028

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1. Definitions

References made to 'child' and 'Learners' refer to Learners and young people under the age of 18 years. However, the principles of this Code of Conduct apply to professional behaviours towards all learners, including those over the age of 18 years. 'Child' should therefore be read to mean **any learner** at the setting.

References made to employees, adults and staff refer to all those who work with learners in this setting, in either a paid or unpaid capacity. This will also include, for example, volunteers and those who are not directly employed by the provision e.g. Local Authority staff, sports coaches, independent supply staff and agency staff.

Wherever the term 'parent' is used, this includes any person with parental authority of the child concerned e.g. carers, legal guardians etc.

The term 'allegation' means where it is alleged that a person who works with Learners 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 Learners in a way that indicates they may pose a risk of harm to Learners.

2. Objective and Scope

This Code of Conduct is designed to give clear guidance on the standards of behaviour all employees and other adults working with learners in our provision are expected to observe. Provision employees are role models and are in a unique position of influence and must adhere to behaviour that sets a good example to all the learners within the provision. As a member of a provision community, each employee has an individual responsibility to maintain their reputation and the reputation of the provision, whether inside or outside working hours. The Code of Conduct will also assist staff to monitor their own standards and practice and reduce the risk of allegations being made against them.

It is recognised that not all people who work with learners at this provision are paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by any person whose work brings them into contact with learners including volunteers. This Code of Conduct does not form part of any employee's contract of employment.

In addition to this Code of Conduct, all employees engaged to work under Teachers' Terms and Conditions of Employment have a statutory obligation to adhere to the 'Teachers' Standards 2012' and in relation to this Code of Conduct, Part 2 of the Teachers' Standards - Personal and Professional Conduct.

All staff have a responsibility to be aware of systems and practices in the provision which support safeguarding and these are outlined as part of the induction process for all staff and regular volunteers.

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

Unacceptable behaviour by any adults in this provision, of any sort, will not be tolerated and, where appropriate, legal or disciplinary action is likely to follow such behaviour. Once adopted, this document may be referred to in any disciplinary proceedings following unacceptable actions by staff or other adults.

3. Underpinning Principles

- The welfare of the child is paramount;
- Staff should understand their responsibilities to safeguard and promote the welfare of learners;
- Staff are responsible for their own actions and behaviour both within and outside the provision (including use of publicly accessible social media accounts) and should avoid any conduct which would lead any reasonable person to question their motivation and intentions;
- Staff should work, and be seen to work, in an open and transparent way;
- Staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded;
- Staff should discuss and/or take advice promptly from their line manager if they have acted in a way which may give rise to concern;
- Staff are encouraged to discuss with the DSL or other senior manager situations where their relationships and associations both within and outside of the workplace (including online) may have implications for the safeguarding of Learners in provision;
- Staff must apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation;
- Staff must not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for Learners.
- Staff should be aware that breaches of the law and other professional guidelines may result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure and Barring Service (DBS) from working in regulated activity or, in the case of teachers, for acts of serious misconduct, prohibition from teaching by the Teacher Regulation Agency (TRA);
- Staff and managers will continually monitor and review practice to ensure this guidance is followed;
- Staff must be aware of and understand the provision's Child Protection Policy and procedures, Peer on peer abuse Policy and procedures, Online Safety Policy and procedures, arrangements for managing allegations against staff, Whistleblowing procedure and the Sunderland Safeguarding Childrens Board (SSCB) procedures.

4. Setting an Example

- All individuals who work or volunteer in education set examples of behaviour and conduct which can be copied by learners. Staff must therefore, for example, avoid using inappropriate or offensive language at all times;
- All staff must, therefore, demonstrate high standards of conduct in order to encourage our learners to do the same;
- All staff must also avoid putting themselves at risk of allegations of abusive or unprofessional conduct;
- This Code helps all staff to understand what behaviour is and is not acceptable; regard should also be given to the disciplinary rules set out in the Provisions' Disciplinary Policy and Procedure;
- All staff are expected to familiarise themselves and comply with all provision Policies and procedures.

5. Responsibilities

Staff and other adults are accountable for the way in which they exercise authority, manage risk, use resources and safeguard Learners.

All staff and other adults have a responsibility to keep learners safe and protect them from abuse (sexual, physical and emotional) and neglect. Learners 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 their safety and well-being. Failure to do so may be regarded as professional misconduct.

The safeguarding culture of a provision is, in part, exercised through the development of respectful, caring and professional relationships between adults and learners and behaviour by the adult that demonstrates integrity, maturity and good judgement.

The public, local authorities, employers and parents will have expectations about the nature of professional involvement in the lives of Learners. When individuals accept a role (paid or unpaid) working in an education setting, they should understand and acknowledge the responsibilities and trust involved in that role.

Employers have duties towards their employees and others under Health, Safety and Welfare legislation which requires them to take steps to provide a safe working environment for both staff and other visitors to the provision including learners.

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 health and safety duties and the adults' responsibilities towards Learners should not conflict. Safe practice can be demonstrated through the use and implementation of these guidelines.

The following responsibilities apply in our Provision.

5.1 Advisory Body and Senior staff

The Advisory Body and senior staff will:

- Ensure that appropriate safeguarding and child protection policies and procedures are developed, distributed, adopted, implemented and monitored;
- 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.

5.2 Staff and other Adults

Staff and other adults are expected to:

- Understand the responsibilities which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached;
- Read and understand their role as outlined in the Child Protection Policy and procedures and other provision safeguarding Policies;
- Report any concerns about a learner or colleague to the provision's Designated Safeguarding Lead (DSL) or other senior manager at the first opportunity. Concerns about the Head of Provision must be referred to the Chair of the Advisory Board in the first instance;
- 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;
- Ensure that any relationships and associations both within and outside of the workplace (including online) do not have implications for the safeguarding of Learners in provision;
- Take reasonable care of learners under their supervision with the aim of ensuring, as far as is reasonable, their health, safety and welfare;
- Take responsibility for their own actions and behaviour.

6. Making Professional Judgements

This Code of Conduct does not provide an exhaustive list of what is, or is not, appropriate behaviour for staff. It does, however, highlight behaviour which is illegal, inappropriate or inadvisable. There will be rare occasions and circumstances in which staff have to make decisions or take action in the best interest of a learner which could contravene this Code of Conduct or where no specific guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the learners in their charge and, in so doing, will be seen to be acting reasonably. These judgements must be recorded and shared with a manager at the earliest opportunity.

Adults should always consider whether their actions are warranted, proportionate, safe and applied equitably.

Where no specific guidance exists, staff and other adults are expected to:

- **Discuss the circumstances that informed their action, or their proposed action, with their line manager or, where appropriate, the DSL. 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 the Head of Provision or DSL;**
- **Always record discussions and actions taken with their justifications;**
- **Record any areas of disagreement and, if necessary, refer to another agency (e.g. Sunderland LA, Ofsted or other Regulatory Body).**

7. Power and Positions of Trust and Authority

As a result of their knowledge, position and/or the authority invested in their role, all those working with Learners in our provision are in a position of trust in relation to all learners on the roll.

The relationship between a person working with a child or Learners 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 learners means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff should always maintain appropriate professional boundaries, avoid behaviour which could be misinterpreted by others and report and record any such incident.

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence under the Sexual Offences Act 2003 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.

Staff and other adults in this provision should not:

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

8. Confidentiality

The storing and processing of personal information is governed by the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Creative Inclusion Provision has a Data Protection Policy which contains details on confidentiality.

Staff who have access to confidential information about learners and their families must keep this confidential at all times and only share this when legally permissible to do so and in the best interest of the child. Records should only be shared with those who have a legitimate professional need to see them.

Staff must never use confidential or personal information about a learner or their 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 must never be used casually in conversation or shared with any person other than on a need to know basis. In circumstances where the learner's identity does not need to be disclosed, the information will be used anonymously.

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

If a child (or their parent) makes a disclosure regarding abuse or neglect, the member of staff will follow the provision's child protection procedures. The adult must not promise confidentiality to a child or parent, but should give reassurance that the information will be treated sensitively.

If a member of staff is in any doubt about whether to share information or keep it confidential he/she should seek guidance from the DSL. Any media or legal enquiries will be passed to a senior manager.

Staff and other adults in this provision are expected to:

- **Know the name of the Designated Safeguarding Lead – Joanne Vance and Deputy DSL – Linsay McKenzie;**
- **Know how to access/be familiar with the Sunderland Safeguarding Children Board (SSCB) procedures and guidance;**
- **Treat information they receive about learners and families in a discreet and confidential manner;**
- **Seek advice from a senior member of staff (DSL) if they are in any doubt about sharing information they hold or which has been requested of them;**
- **Be clear about when information can/must be shared and in what circumstances;**
- **Know the procedures for responding to allegations against staff and to whom any concerns or allegations should be reported – Kris Marley or Joanne Vance;**
- **Know the procedures for responding to allegations made against the Head of Provision – Chair of Advisory Board: Matthew Jessop;**
- **Ensure that where personal information is recorded using modern technologies that systems and devices are kept secure in accordance with Creative Inclusion's Online Safety Policy and any Acceptable Use Agreement (s), as well as relevant Data Protection / GDPR policies.**

9. Standards of Behaviour

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

Staff must not engage in conduct outside work which could seriously damage the reputation and standing of the provision or the employee's own reputation or the reputation of other members of the provision community. In particular, criminal offences that involve violence or possession or use of illegal substances or sexual misconduct are likely to be regarded as unacceptable.

Staff may undertake work outside provision, either paid or voluntary, provided that it does not conflict with the interest of the provision nor be to a level which may contravene the Working Time Regulations or affect an individual's work performance in the provision.

There may be times where an individual's actions or relationships/associations in their personal life come under scrutiny from the community, the media or public authorities, including with regard to their own Learners, or Learners or adults in the community. Staff 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 Learners, loss of trust and confidence, or bringing the employer into disrepute. Such behaviour may also result in prohibition from teaching by the TRA, a bar from engaging in regulated activity, or action by another relevant regulatory body.

The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendments) Regulations 2018) set out grounds for disqualification under the Childcare Act 2006 where the person meets certain criteria set

out in the Regulations. A disqualified person is prohibited from providing relevant early or later years' childcare as defined in the Childcare Act 2006 or being directly concerned in the management of such childcare. Provisions and private childcare settings are also prohibited from employing a disqualified person in respect of relevant early or later years' childcare.

Although the above legislation mainly applies to provisions and those settings with early years learners, Advisory Board members and senior leaders recognise that we must endeavour to ensure that we create a culture and environment where staff feel comfortable, where it is appropriate, to discuss matters outside of work, which may have implications for the safeguarding of Learners in the workplace. These discussions can assist all advisory board members and provision staff safeguarding their employees', or colleagues, welfare and contribute to their duty of care towards all staff. Where appropriate, it will help managers identify whether arrangements are needed to support these staff. These discussions can also help with the management of Learners' safety, providing information that will help them consider whether there are measures that need to be put in place to safeguard Learners (e.g. by putting arrangements in place to stop or restrict a person known to or living with a member of staff coming into provision where a potential risk to Learners has been identified).

Staff and other adults in this provision must not:

- **Behave in a manner which would lead any reasonable person to question their suitability to work with Learners or to act as an appropriate role model;**
- **Make, or encourage others to make sexual remarks to, or about, a learner;**
- **Use inappropriate language to, or in the presence of, learners;**
- **Discuss their personal or sexual relationships with, or in the presence of, learners;**
- **Make, or encourage others to make unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such;**
- **Post activity online, either in or out of provision, which would bring the provision or professional role into disrepute.**

In addition to the above, staff are expected to:

- **Be aware that behaviour by themselves, those with whom they share a household, or others in their personal lives (including online), may impact on their work with Learners. Staff who have concerns about this are encouraged to discuss their concerns with the DSL or other senior leader in the first instance;**

10. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However, staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily 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 would be viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegation.

Staff and other adults in our provision are expected to wear clothing and accessories which:

- **Promote a positive and professional image as related to the provision type;**
- **Do not create a risk to either the wearer or others in the provision and is appropriate to their role;**
- **Are not likely to be viewed as offensive, 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;**
- **Is compliant with professional standards.**

11. Gifts, Rewards, Favouritism and Exclusion

Staff must maintain high standards of honesty and integrity in their work. This includes the handling and claiming of money and the use of provision property and facilities.

This provision has a procedure in place regarding the giving of gifts or rewards to learners and the receiving of gifts from them or their parents and staff are made aware of and understand what is expected of them.

Staff must 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 learners or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank you and this is usually acceptable. It is, however, unacceptable to receive gifts on a regular basis or of any significant value.

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

Any reward given to a learner should be in accordance with our Whole Provision Behaviour Policy, recorded and not based on favouritism.

Adults in this provision are advised to exercise care when selecting Learners for specific activities, jobs or privileges in order to avoid perceptions of favouritism or injustice. Similar care should be exercised when learners are excluded from an activity. Methods of selection and exclusion will always be subject to clear, fair and agreed criteria.

Staff and other adults in this provision are expected to:

- **Be aware of and understand the provision procedures on sanctions and rewards;**
- **Ensure that gifts received or given in situations which may be misconstrued are declared and recorded, with the exception of 'one-off' token gifts from a learner or parent;**
- **Only give gifts to a learner 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 learners equally;**
- **Ensure that all selection processes of learners 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 learners.**

12. Infatuations and 'Crushes'

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

Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant that a young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the Head of Provision or most senior manager¹. In this way, appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

The Head of Provision will give careful thought to those circumstances where the staff member, learner and their parents should be spoken to and will ensure a plan to manage the situation is put in place. This plan will respond sensitively to the child and staff member

¹ If the Head of Provision has the concern that a young person is becoming infatuated with them, they should report this to the Chair of the Advisory Board

and maintain the dignity of all. This plan will involve all parties, be robust and regularly monitored and reviewed.

Staff and other adults in this provision are expected to:

- **Report any indications (verbal, written or physical) that suggest a learner may be infatuated with a member of staff;**
- **Always maintain professional boundaries;**
- **In the case of senior managers, put an action plan in place to deal with any concerns which are brought to their attention.**

13. Social Contact Outside the Workplace

It is acknowledged that staff may have genuine friendships and social contact with parents of learners, independent of the professional relationship. Staff should, however, also be aware that professionals who sexually harm Learners often seek to establish relationships and contact outside 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.

It is also important to recognise that social contact may provide opportunities for other types of grooming such as for the purpose of sexual exploitation or radicalisation.

Staff should recognise that some types of social contact with learners or their families could be perceived as harmful or exerting inappropriate influence on Learners and may bring the setting into disrepute (e.g. attending a political protest, circulating propaganda).

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

Some staff may, as part of their professional role, be required to support a parent. If that person comes to depend upon the staff member 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.

Staff and other adults in this provision are expected to:

- **Always approve any planned social contact with learners 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 learner which could give rise to concern;**
- **Refrain from sending personal communication to learners or parents unless agreed with senior managers;**
- **Ensure that where senior staff have agreed to an exchange of mobile phone numbers, for example for safety purposes on educational visits, the numbers MUST be deleted as soon as possible following the activity for which the agreement was gained;**
- **Inform senior management of any relationship with a parent where this extends beyond the usual parent/professional relationship;**
- **Ensure that they report to senior staff immediately any unwelcome written or visual communications from learners, parents or others;**
- **Inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring etc.**

14. Communication with Learners (including the use of technology)

In order to make best use of the many educational and social benefits of new and emerging technologies, learners need opportunities to use and explore the digital world. Online safety risks are posed more by behaviours and values than the technology itself.

Staff are expected to ensure that they establish safe and responsible online behaviours, working to local and national guidelines and acceptable use agreements which detail how new and emerging technologies may be used.

Communication with Learners both in the 'real' world and through web based and telecommunication interactions should take place within explicit professional boundaries. This includes the use of computers, tablets, phones, texts, emails, instant messages, social media such as Facebook and Twitter, chat-rooms, forums, blogs, websites, gaming sites, 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 must not request or respond to any personal information from Learners other than that 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 Learners for example, email address, home or mobile telephone numbers, details of web-based identities. If Learners locate these by any other means and attempt to contact or correspond with the staff member, the adult should not respond and must report the matter to their manager. The child should be firmly and politely informed that this is not acceptable.

In any communication with Learners, staff are also expected to follow the guidance in Section 7 'Standards of Behaviour'.

Staff at this provision must adhere to the 'Acceptable Use Agreement' as outlined in the E-Safety Policy and procedures.

Staff and other adults in this provision are expected to:

- **Not seek to communicate/make contact or respond to contact with learners outside of the purposes of their work;**
- **Not give out their personal details;**
- **Not discuss your professional role in any capacity when using social media such as Facebook;**
- **Not put online any text, image, sound or video that could upset or offend any member of the whole provision community or be incompatible with their professional role;**
- **Treat all learner and staff issues with the highest standards of confidentiality;**
- **Use ICT appropriately and in accordance with the provision's Online Safety Policy and procedures and staff acceptable use agreement;**
- **Be aware of and consider the possible implications for the provision, colleagues and themselves when posting on Social Network Sites;**
- **Use on-line technology appropriately and not compromise the professional integrity of colleagues or other adults in the provision community**
- **Use only equipment and internet services provided by the provision;**
- **Follow their provision's Acceptable Use Agreement;**
- **Ensure that their use of technologies could not bring their employer into disrepute.**

15. Use of Mobile Phones by Staff and Other Adults in Provision

It is recognised that many mobile phones have inbuilt and enhanced features which could be mis-used and which also offer distractions and disruption to the working day in a provision environment. Use of mobile phones by staff and other adults must be balanced against the protection against potential misuse with the recognition that mobile phones are effective communication tools. The following paragraphs relate to **all** mobile communication devices as opposed to only mobile phones.

The following standards apply to all individuals who have access to personal mobile phones or other mobile communication devices on site.

The aim is to ensure that all adults:

- Have a clear understanding of what constitutes misuse;
- Know how to minimise the associated risks with the use of mobile technology;

- Avoid putting themselves into compromising situations which could be misinterpreted and lead to possible allegations;
- Understand the need for professional boundaries and clear guidance regarding acceptable use;
- Are responsible for self-moderation of their own behaviours;
- Are aware of the importance of reporting concerns promptly.

Staff and other adults in this provision:

- **Are not permitted to make/receive calls/texts during contact time with Learners. Emergency contact should be made via the provision office;**
- **Should have their phones on silent or switched off and out of sight (e.g. in a drawer, handbag or pocket) during class time;**
- **Are not permitted to use mobile communication devices in a space where Learners are present (e.g. classroom, withdrawal area, playground);**
- **May use their phones (including receiving/sending texts and emails) during non-contact time when no Learners are present e.g. in office areas, staff room, empty classrooms;**
- **Are advised to protect access to functions of their phone whilst it is on provision premises (Bluetooth settings should be disabled);**
- **Should inform the Head of Provision if there are exceptional circumstances (e.g. acutely sick relative) when permission will be granted to have their phone in case of having to receive an emergency call;**
- **Are not permitted at any time to use recording equipment on their mobile devices unless by prior agreement with the Head of Provision. Legitimate recordings and photographs should be captured, wherever possible, using provision equipment such as cameras and iPads;**
- **Should report to the Head of Provision any usage of mobile devices that causes them concern.**

16. Physical Contact

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

Not all learners feel comfortable about certain types of physical contact; this should be recognised and, wherever possible, adults should seek the learner's permission before initiating contact and be sensitive to any signs that they may be uncomfortable or embarrassed. Staff should acknowledge that some learners are more comfortable with touch than others and/or may be more comfortable with touch from some adults than others. 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 learner.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one learner, in one set of circumstances, may be inappropriate in another, or with a different child.

Any physical contact 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 must never be secretive, 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 Head of Provision or DSL and recorded. Where appropriate, the DSL will consult with the local authority Designated Officer (LADO).

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. Staff need to be aware that the child may associate physical contact with such

experiences. They should recognise that these learners may seek out inappropriate physical contact. In such circumstances, staff should deter the child sensitively and help them to understand the importance of personal boundaries.

A general culture of 'safe touch' will be adopted, where appropriate, based on the individual requirements of each child. Learners with disabilities may require more physical contact to assist their everyday learning and in relation to moving and handling in order to promote independence. The arrangements should be understood and agreed by all concerned (this may be explicit in any Education Health and Care Plan), justified in terms of the learner's needs, consistently applied and open to scrutiny.

We 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.

We will also ensure that we provide staff, on a 'need to know' basis, with relevant information about vulnerable learners in their care.

Staff and other adults in this provision are expected to:

- **Be aware that even well-intentioned physical contact may be misconstrued by the learner, and observer or any person to whom this action is described;**
- **Never touch a learner in a way which may be considered indecent;**
- **Always be prepared to explain actions and accept that all physical contact is open to scrutiny;**
- **Never indulge in horseplay or fun fights;**
- **Always allow/encourage learners, where able, to undertake self-care tasks independently;**
- **Ensure the way they offer comfort to a distressed learner is age appropriate;**
- **Always tell a colleague when and how they offered comfort to a distressed learner;**
- **Establish the preferences of learners;**
- **Consider alternatives, where it is anticipated that a learner might misinterpret or be uncomfortable with physical contact;**
- **Always explain to the learner 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 issue of gender.**

17. Other Activities that Require Physical Contact

In certain curriculum areas, such as PE, drama or music, staff may need to initiate some physical contact with learners, for example, to demonstrate technique in the use of a piece of equipment, adjust posture, or 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 learner. Contact should be relevant to their age and understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the learner.

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 must be reported to the Head of Provision and parent.

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 and learners informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

Staff and other adults are made aware of this guidance and it is brought to their attention on a regular basis. It also forms part of the staff and volunteer induction programme.

Staff and other adults in this provision are expected to:

- **Treat learners with dignity and respect and avoid contact with intimate parts of the body;**
- **Always explain to a learner the reason why contact is necessary and what form that contact will take;**
- **Seek consent from parents where a learner is unable to give this e.g. because of a disability;**
- **Consider alternatives, where it is anticipated that a learner 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.**

18. Intimate/Personal Care

We have a clear nappy and intimate care procedures which ensure that the health, safety, independence and welfare of learners is promoted, and their dignity and privacy are respected. Arrangements for intimate and personal care are open and transparent.

Learners are encouraged to act as independently as possible and to undertake as much of their own personal care as is possible and practicable. When assistance is required, this will normally be undertaken by one member of staff, however, they 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. Intimate care procedures do not include the need for more than one member of staff unless any child's Education Health and Care Plan (EHC Plan) specifies the reason for this.

A signed record will be kept of all intimate and personal care tasks undertaken and, where these have been carried out in another room, will include times left and returned.

Any vulnerability, including those that may arise from a physical or learning difficulty will be considered when formulating the individual learner's EHC Plan (EHCP). The views of parents and the learner, regardless of their age and understanding, will be actively sought in formulating the plan and in the necessary regular reviews of these arrangements.

Learners are entitled to respect and privacy at all times and especially when in a state of undress, including, for example, when changing, toileting and showering. There does, however, need to be an appropriate level of supervision in order to safeguard learners, satisfy health and safety considerations and ensure that bullying or teasing does not occur. The supervision will be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

We have written individual healthcare plans in place for any learner who could be expected to require intimate care and wherever possible, we will ensure that learners are actively consulted about their own healthcare plan.

Staff and other adults in this provision are expected to:

- **Adhere to the provision's intimate care procedures;**
- **Make other staff aware of the task being undertaken;**
- **Always explain to the learner what is happening before a care procedure begins;**
- **Consult with colleagues where any variation from the agreed procedure/healthcare plan is necessary;**
- **Record the justification for any variations to the agreed procedure/health care plan and share this information with the learner and their parent;**
- **Avoid any visually intrusive behaviour;**
- **Where there are changing rooms – announce their intention of entering;**

- **Always consider the supervision needs of the learners and only remain in the room where their needs require this.**

Staff and other adults will not:

- **Change or toilet in the presence or sight of learners;**
- **Shower with learners;**
- **Assist with intimate or personal care tasks which the learner is able to undertake independently.**

19. Behaviour Management

Corporal punishment and smacking is unlawful in all provisions. Staff must not use any form of degrading or humiliating treatment to punish a child.

Where learners display difficult or challenging behaviour, adults must follow the provision's Behaviour Policy which includes information on when and under what circumstances it is appropriate to use reasonable force and what strategies to use which are appropriate to the circumstance and situation.

Where a learner has specific needs in respect of particularly challenging behaviour, a Behaviour Management Plan which incorporates the positive handling plan, will be drawn up and agreed by all parties, including, for example, a medical officer, where appropriate.

The Head of Provision will ensure that the provision's Behaviour Policy includes clear guidance about the use of isolation and seclusion. The legislation on these strategies is complex and staff must take extreme care to avoid any practice that could be viewed as unlawful, a breach of the learner's human rights and/or false imprisonment.

Staff and other adults in this provision are expected to:

- **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 provision or setting which may impact on a learner's behaviour;**
- **Follow the provision's Behaviour Management Policy and procedures;**
- **Behave as a role model;**
- **Avoid shouting at Learners other than as a warning in an emergency/safety situation;**
- **Refer to national and local policy and guidance regarding Restrictive Physical Intervention (RPI);**
- **Be aware of the legislation and potential risks associated with the use of isolation and seclusion;**
- **Comply with legislation and guidance in relation to human rights and restriction of liberty.**

20. The Use of Control and Physical Intervention

The law and guidance for provision's 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.**

Great care must be exercised in order that adults do not physically intervene in a manner which could be considered unlawful.

The Provision has procedures for the use of physical intervention which is consistent with national guidance. Staff are regularly acquainted with the Behaviour Policy and

procedures. Where required, staff are trained in appropriate physical intervention techniques.

Under no circumstances will physical force be used as a form of punishment. The use of unwarranted or disproportionate physical force is likely to constitute a criminal offence. Where we judge that a child's behaviour presents a serious risk to staff or others, we will put in place a robust risk assessment in the form of a Behaviour Management Plan (BMP) which will be reviewed regularly. Where relevant this BMP will include a physical intervention plan.

In all cases where physical intervention has taken place, a record will be made of the incident and subsequent actions. We have a physical intervention recording system in place which all staff have access to. The Head of Provision and other staff will regularly review the records.

Similarly, where it can be anticipated that physical intervention is likely to be required, a BMP will be put in place which both the learner (where he/she has the skills and ability to understand the Plan) and parents are aware of and, have agreed to. Parental consent does not permit settings to use unlawful physical intervention or deprive a learner of their liberty.

Staff and other adults in this provision are expected to:

- **Adhere to the provision's physical intervention procedures;**
- **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 needed.**

21. Sexual Conduct

Any sexual behaviour by a member of staff with or towards a learner is unacceptable. It is an offence for a member of staff in a position of trust to engage in sexual activity with a learner under 18 years of age² and sexual activity with a child could be a matter for criminal and/or disciplinary procedures.

Learners are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions depending on their age and understanding. This includes the prohibition of sexual activity with Learners by adults in a position of trust.

Sexual activity involves physical contact including penetrative and non-penetrative acts, however, it also includes non-contact activities, such as causing a learner 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 the relationship so sexual abuse can take place. All staff have attended appropriate training so they are fully aware of those behaviours that may constitute 'grooming' and of their responsibility to always report to a senior manager any concerns about the behaviour or a colleague which could indicate that a learner is being groomed.

Staff and other adults in this provision are expected to:

- **Not have any form of sexual contact with a learner from the provision;**
- **Avoid any form of touch or comment which is, or may be considered to be, indecent;**
- **Avoid any form of communication with a learner which could be interpreted as sexually suggestive, provocative or give rise to speculation e.g. verbal comments, letters, notes, by email or on social media, phone calls, texts, physical contact;**
- **Not make sexual remarks to or about a learner;**

² Sexual Offences Act 2003: abuse of a position of trust

- **Not discuss sexual matters with or in the presence of learners other than within agreed curriculum content or as part of their recognised job role.**

22. One to One Situations

Staff working in one-to-one situations with learners at the provision, including visiting staff from external organisations can be more vulnerable to allegations or complaints.

To safeguard both learners and adults, a risk assessment in relation to the specific nature and implications of one-to-one work will be undertaken. Each assessment will take into account the individual needs of each learner and will be reviewed regularly.

Arranging to meet with learners from the provision away from the work premises is not be permitted unless the necessity for this is clear and approval is obtained from the Head of Provision, the learner and their parent.

Staff and other adults in this provision are expected to:

- **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 learner becomes distressed or angry;**
- **Consider the needs and circumstances of the learner involved.**

23. Home Visits

All work with learners and parents will usually be undertaken in the provision or other recognised workplace. There are, however, occasions, in response to an urgent, planned or specific situation or job role, where it is necessary to make one-off or regular home visits. In any event, however, we will ensure that all visits are justified and recorded. We will also ensure that staff are not exposed to unacceptable risk.

We have a generic risk assessment for home visits which is in place to safeguard both staff and learners, who may be more vulnerable in these situations. Staff have access to a mobile telephone and an emergency contact for use when undertaking home visits.

The generic risk assessment will be used and amended accordingly prior to any planned home visit taking place. The assessment will include an evaluation of any known factors regarding the learner, parent and any others living in the household. Consideration will be given to any circumstances which might render the staff member becoming more vulnerable to an allegation being made e.g. hostility, child protection concerns, complaints or grievances. Specific thought will be given to visits outside normal working hours or in remote or secluded locations. Following the assessment, appropriate risk management measures are put in place before the visit is undertaken. In the unlikely event that little or no information is available, visits will not be made alone.

Staff and other adults in this provision are expected to:

- **Agree the purpose for any home visit with the Head of Provision or other senior manager;**
- **Adhere to agreed risk management strategies;**
- **Avoid unannounced visits wherever possible;**
- **Understand that, other than in an emergency, they should not enter a home if the parent is absent;**
- **Ensure there is visual access and/or an open door in one to one situations;**
- **Always make detailed records including time of arrival and departure;**
- **Ensure any behaviour or situation which gives rise to concern is discussed with the Head of Provision/DSL.**

24. Transporting Learners

In certain situations, staff or volunteers may be required or offer to transport learners as part of their work. As for any other activity undertaken at work, the employer has a duty to

carry out a risk assessment covering the health and safety of their staff and to manage any known risks.

Staff should never offer lifts to learners unless the need for this has been agreed by the Head of Provision. A designated member of staff will be appointed to plan and provide oversight of all transport arrangements and respond to any concerns that may arise.

Wherever possible and practicable, it is advisable that transport is undertaken other than in private vehicles and with at least one adult additional to the driver acting as an escort. The risk assessment will consider the need for additional members of staff taking into account the duration of the journey, the number of passengers etc.

It is a legal requirement that all passengers wear seatbelts and the driver is responsible for ensuring that those passengers under the age of 14 do so. Drivers must also be aware of and adhere to current legislation regarding the use of car seats for younger Learners.

Staff should never offer to transport learners outside of their normal working duties, other than in an emergency or where not doing so would mean the child may be at risk. In these circumstances, the matter will be recorded and reported to both a senior manager and the child's parent(s). The provision's Health and Safety Policy and educational visits procedures set out the arrangements under which staff may use private vehicles to transport learners.

Staff and other adults in this provision are expected to:

- **Plan and agree arrangements with all parties in advance;**
- **Respond sensitively and flexibly where any concerns arise;**
- **Take into account any specific or additional needs of the learner;**
- **Have an appropriate licence/permit for the vehicle;**
- **Ensure they are fit to drive and free from any drugs, alcohol or medication which is likely to impair judgement and/or ability to drive;**
- **Ensure that if they need to be alone with a learner this is for the minimum time;**
- **Be aware that the safety and welfare of the learner is their responsibility until this is safely passed over to a parent;**
- **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;**
- **Refer to the Provision procedures and national guidance for Educational visits.**

25. Educational Visits

Staff responsible for organising educational visits are familiar with the Provision Health and Safety Policy and Educational Visits procedures.

The Management of Health and Safety at Work Regulations (1999) impose a duty on employers to produce suitable and sufficient risk assessments. This includes the assessment of any risks to employees, Learners or others during an educational visit, and measures that will be taken to minimise these risks. For regular activities, such as taking learners to a local swimming pool, the risks will be considered under the provision's general arrangements and a check to make sure that the precautions remain suitable is all that is required. For annual or infrequent activities, a review of an existing assessment may be all that is needed. For new higher-risk activities or trips, a specific assessment of the significant risks will be carried out.

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

Where out of provision or setting activities include overnight stays, careful consideration will be given to sleeping arrangements. Learners, adults and parents will be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings will pay careful attention to ensuring there is a safe staff/child ratio and suitable gender mix of staff.

Staff and other adults in this provision are expected to:

- **Adhere to the provision's educational visits procedures and guidance;**
- **Always have another adult present on visits, unless otherwise agreed with the Head of Provision or other senior manager;**
- **Undertake risk assessments where significant risks are identified or anticipated;**
- **Have parental consent to the activity;**
- **Ensure that their behaviour remains professional at all times;**
- **Never share a bed with a learner;**
- **Never share a bedroom unless it involves a dormitory situation and the arrangements have been previously discussed with the Head of Provision, parents and learners;**
- **Refer to local and national guidance for Educational visits including exchange visits (both to the UK and abroad).**

26. First Aid and Medication

The Provision has an adequate number of qualified first-aiders in accordance with our risk assessment and taking into account national guidance. Training of first aiders is updated regularly in line with statutory requirements. Where necessary, parents will be informed when first aid has been administered.

Any member of provision staff may be asked to become a qualified first-aider or to provide support to learners with medical conditions, including the administering of medicines, but they cannot be required to do so unless this forms part of their contract of employment³.

Staff at our provision have received sufficient and suitable training and have achieved the necessary level of competency prior to taking on responsibility to support Learners with specific medical conditions.

Advice on managing medicines is included in the provision 'Supporting Learners with Medical Conditions' Policy and procedures. In circumstances where a learner needs medication regularly, this would usually be recorded in their IHP. These plans provide details of the level and type of support a child needs to manage effectively their medical condition in provision including medicine to be administered, the correct dosage and any storage requirements.

A record is kept of all medicines administered to learners.

Where a member of staff is concerned or uncertain about the amount or type of medication being given to a learner, this must be discussed with the DSL.

Adults taking medication which may affect their ability to care for learners should seek medical advice regarding their suitability to do so. The provision will ensure that such individuals only work directly with learners if the medical advice confirms that the medication is unlikely to impair their ability to look after Learners.

Staff and other adults in our provision are expected to:

- **Ensure they have read and understood the provision 'Supporting Learners with Medical Conditions' Policy and procedures;**
- **Ensure they make themselves familiar with any individual healthcare plan which might impact on the activities being undertaken;**
- **Discuss with the Head of Provision the actual or possible effects any medication they are taking may have on the work being carried out.**

27. Photography, Videos and Other Images

Many educational activities involve recording images. These may be undertaken for displays, publicity, to celebrate achievement and to provide records of evidence of the activity.

The provision has arrangements in place for the taking and use of images, which is linked to our Child Protection Policy and procedures. This includes the wide range of devices which can be used for taking/recording images e.g. cameras, mobile phones, smart phones, tablets, web-cams etc. and the procedures for the use of these by both staff, parents and visitors.

Whilst images are regularly used for very positive purposes, adults need to be aware of the potential for these 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 learners who may be unable to question why or how the activities are taking place.

Learners 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 learner who appears uncomfortable and should recognise the potential for misinterpretation.

Making and using images of learners will require the age-appropriate consent of the individual concerned and their parent. Images will not be 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 learners, when using images for publicity purposes, the following guidance is followed:

- If the image is used, we will avoid naming the child, (or, as a minimum, use first names rather than surnames);
- If the child is named, we will avoid using their image;
- We have a retention period for images which are stored securely and only used by those authorised to do so.

Staff and other adults in our provision are expected to:

- **Adhere to the provision's procedures on the 'Use of Images';**
- **Only publish images of learners where they and their parent have given explicit written consent to do so;**
- **Only take images where the learner 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 provision;**
- **Ensure that the Head of Provision or other senior member of staff is aware that the photography/image equipment is being used and for what purpose;**
- **Be able to justify images of learners in their possession;**
- **Avoid making images in one-to-one situations.**

Staff and other adults must not:

- **Take images of learners for their personal use;**
- **Take images of any individual in the provision, unless they have permission to do so;**
- **Display or distribute images of learners unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child);**
- **Take images of Learners using personal equipment unless it is agreed by a senior manager;**
- **Take images of Learners in a state of undress or semi-undress;**
- **Take images of Learners which could be considered as indecent or sexual.**

28. Exposure to Inappropriate Images

Staff must take extreme care to ensure that learners are not exposed, through any medium, to inappropriate or indecent images.

There are no circumstances that will justify adults: making, downloading, possessing or distributing indecent images or pseudo-images of learners (child abuse images). Accessing these images, whether using the provision or personal equipment, on or off the premises, or making, storing or disseminating such material is illegal.

If indecent images of learners are discovered at the establishment or on the provision or setting's equipment an immediate referral will be made to the Designated Officer (LADO) and the Police contacted if relevant. The images/equipment will be secured and there must be no attempt to view or delete the images as this could jeopardise necessary criminal action. If the images are of learners known to the provision, a referral will also be made to the Safeguarding Hub (see poster in provision for contact details)

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

Staff are required to keep their passwords confidential and not allow unauthorised access to equipment. In the event of any indecent images of Learners or unsuitable material being discovered on a device, the equipment must not be tampered with in any way. It will be secured and isolated from the network, and the LADO contacted without delay.

Adults must not attempt to investigate the matter or evaluate the material themselves as this may lead to a contamination of evidence and a possibility that they will be at risk of prosecution themselves.

Staff and other adults in this provision are expected to:

- **Abide by the provision's acceptable use agreement and Online / E-safety Policy and procedures;**
- **Ensure that Learners cannot be exposed to indecent or inappropriate images by checking the content of external links prior to access by Learners;**
- **Ensure that any films or material shown to Learners are age appropriate.**

29. Personal Living Accommodation Including On Site Provision

Generally, staff should not invite any learners into their living accommodation unless the reason to do so has been firmly established and agreed with the Head of Provision and the learner's parent(s)/carer(s).

It is not appropriate for staff to be expected or requested to use their private living space for any activity, play or learning. This includes seeing learners for e.g. discussion of reports, academic reviews, tutorials, pastoral care or counselling. The Head of Provision or other senior manager will ensure that appropriate accommodation for such activities is found elsewhere in the provision.

Under no circumstances must learners be asked to assist adults with jobs or tasks, either for or without reward, at or in their private accommodation.

The above applies to all other persons living in or visiting the private accommodation.

Staff and other adults in this provision are expected to:

- **Be vigilant in maintaining their privacy;**
- **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 provision;**
- **Be mindful of the need to maintain appropriate personal and professional boundaries;**
- **Not ask learners to undertake jobs or errands for their personal benefit.**

30. Overnight Supervision and Examinations

THIS SECTION IS NOT EXPECTED TO BE RELEVANT TO CREATIVE INCLUSION PROVISION.

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 Learning Studio and overnight may be undertaken by the candidate's parent/carer or Creative Inclusion 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 learners, perhaps in their own homes.

The overriding consideration must be the safeguarding of both the learner and staff. Most local authorities, professional associations and unions do not endorse the practice of staff supervising candidates overnight in their own homes. Some provisions employ alternatives such as 'sleep-over' on the provision premises.

Where arrangements are made for a staff member to supervise a learner overnight then all necessary safeguards should be in place.

Where staff do supervise candidates overnight:

- **A full health and safety risk assessment will be undertaken;**
- **All members of the household will be required to have appropriate vetting checks carried out including DBS and barred list checks;**
- **All arrangements will be made in partnership and agreement with the learner and parent;**
- **Arrangements involving one to one supervision will be avoided wherever possible;**
- **As much choice, flexibility and contact with the 'outside world' will be incorporated into any arrangement so far as is consistent with appropriate supervision;**
- **Whenever possible, independent oversight of arrangements will be made;**
- **Any situation which gives rise to complaint, disagreement or misunderstanding must be reported.**

31. Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit or of a political or sensitive nature. Care will be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This will be supported by developing ground rules with learners to ensure sensitive topics can be discussed in a safe learning environment. The lesson plan should highlight particular areas of risk and sensitivity and care must 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, political or otherwise sensitive nature. Responding to learners' questions requires careful judgement and, in these circumstances, staff should take guidance from the DSL.

Care will be taken to comply with the provision's guidance on the spiritual, moral, social and cultural development of learners which includes the promotion of fundamental British values. Staff must also comply at all times with the Policy for sex and relationships education. It is noted that parents have the right to withdraw their child from all or part of any sex education provided but not from the National Curriculum for Science.

Staff and other adults in this provision are expected to:

- Have a clear understanding, and be able to show / share etc as required, what topics or areas of learning will be covered;
- Take care when encouraging learners to use self-expression, not to overstep personal and professional boundaries;
- Be able to justify all curriculum materials and relate these to clearly identifiable lesson plans.

Staff and other adults in this provision will not:

- Enter into, or encourage, inappropriate discussions which may offend or harm others;
- Undermine fundamental British values;
- Express any prejudicial views;
- Attempt to influence or impose their personal values, attitudes or beliefs on learners;

32. Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Our provision has clear and accessible Whistleblowing procedures. Staff who use the Whistleblowing procedures will have their employment rights protected.

All staff have an individual responsibility to bring matters of concern to the attention of the Head of Provision or Designated Safeguarding Lead. Not to do so may result in charges of serious neglect on their part where the welfare of a child is at risk.

Staff and other adults in this provision are expected to:

- Report any behaviour by colleagues or any other adult in provision that raises concern;
- Report allegations against staff and volunteers to their manager, or where they have concerns about the manager's response, report these directly to the Designated Officer (LADO).

33. Sharing Concerns and Recording Incidents

All staff are aware of the provision's safeguarding procedures including the procedures for dealing with allegations against staff and other adults. All employed staff have been given a copy of the Sunderland SCB 'Allegations Flow chart'.

Details of how and where to report concerns to the Sunderland Safeguarding Hub are displayed in the provision office.

In the event of an allegation being made, by any person, or incident being witnessed, the relevant information must be immediately recorded and reported to the Head of Provision, DSL or Chair of the Advisory Board.

In order to safeguard and protect learners and colleagues, where staff have any concerns about someone who works with learners they must immediately report this to the Head of Provision, DSL or senior manager.

Staff and other adults in this provision are expected to:

- Be familiar with the provision's arrangements for reporting and recording concerns and allegations;
- Know how to contact the LADO / Safeguarding Hub 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 provision or setting.