



Shrewsbury College

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SAFE WORKING PRACTICE POLICY

1.0 INTRODUCTION

- 1.1 This document has been drawn up to assist staff in maintaining entirely proper and professional relationships with young learners. It attempts to provide a clear and unambiguous picture of the boundaries associated with staff roles and the use of power and authority. It is based on the experience of practitioners and cases where teachers found themselves in difficult situations, so we are confident that it will prove to be useful.
- 1.2 It is stressed that this document is not a legal document but is intended to provide guidance to employees in carrying out their responsibilities. Breach of the guidelines provided in this document may result in a full investigation in line with the College's disciplinary procedure.
- 1.3 As employees of the College, staff are required to demonstrate high standards in their exercise of authority, their management of risk, in the proper use of resources and in the active protection of learners from discrimination and avoidable harm. This document is designed to both be useful for staff in avoiding situations that might lead to allegations against them, and to reassure other parties, e.g. parents, schools, the LEA and the LSC, that a strategy exists to safeguard learners.
- 1.4 Staff need to be prudent about their own conduct and vigilant about the conduct of others, so that their relationships with learners remain, and are seen to remain, entirely proper and professional. It is recognised that staff are vulnerable to the possible consequences of their close professional relationships with learners and to the potential for malicious and misplaced allegations being made by learners, either deliberately or innocently, arising from the normal and appropriate associations that staff may have with them.
- 1.5 There is an onus upon staff to take full responsibility for their conduct.
- 1.6 It should be noted that wholly unfounded allegations are uncommon and tend to arise from inappropriate (sometimes unwitting) adult behaviour. Malicious allegations are very rare.
- 1.7 This document has been written to be used alongside the Code of Professional Practice document originally written by the Institute for Learning (IfL). The IfL is no longer a mandatory body, however the College continues to use this guidance and has amended it appropriately. Please see Appendix 1 for this document

2.0 OUR COMMITMENT AND LEGAL DUTIES

- 2.1 The duty of staff is to:
 1. Train, instruct, guide and educate the learners assigned to them according to the learning needs of those learners
 2. Promote the general progress and wellbeing of individual learners and of any class or group of learners assigned to them
 3. Ensure the health & safety of learners while they are in their care
 4. Provide advice and guidance to learners on educational, personal and social matters including the provision of information about sources of more expert advice on specific questions
 5. Maintain good order and discipline among learners and promote their development

- 2.2 These principles are intended to guide staff members and ensure that they give paramount consideration to the learner's wellbeing by respecting and attempting to understand the following:
- The ascertainable wishes and feelings of the person concerned (considered in the light of his/her age and understanding)
 - The learner's physical, emotional and learning needs
 - The likely effect on the learner of any change in his/her circumstances
 - The learner's age, gender, ethnicity, sexuality, background and any other relevant characteristics
 - Any harm that the learner has suffered or is at risk of suffering
 - Staff members are in a position of trust and they owe a duty of care to the learner for whom they are responsible
 - Staff should never seek gratification of their own emotional or physical needs in their relationships with young learners and relationships must always be professional, appropriate and justifiable
 - The College's Child Protection Procedures have primacy over other requirements and this document attempts to be supportive and complimentary to those procedures

3.0 GUIDELINES FOR ALL RELEVANT STAFF

3.1 Physical contact

As a general principle, staff should not engage in physical contact with their learners or vulnerable adults. There may be very limited occasions when a learner needs comfort or reassurance, which may include physical comforting. Any such contact should be appropriate and sensitive to the learner's wishes and feelings and should be a response to an exceptional situation, i.e. there should be no unwanted physical contact, however well intentioned

It is recognised that some learners require physical assistance due to the nature of their disability; however such contact must always be acceptable to the learner and be within their agreed plan of care. Furthermore, be aware that any physical contact may be misconstrued by a learner, parent/carer or observer. Such contact can include well-intentioned informal and formal gestures such as putting a hand on the shoulder or arm, which, if repeated with an individual learner, could lead to serious questions being raised.

Some staff are likely to come into physical contact with their learners from time to time in the course of their training activities, for example when showing a learner how to use a piece of apparatus or equipment. Staff should be aware of the limits within which such contact should properly take place and should consider the possibility of such contact being misinterpreted by the learner. Physical contact during sport should always be intended to meet the young person's educational needs, NOT the adult's. The adult should only use physical contact if their aim is to:

1. Develop sports skills or techniques;
2. To treat or prevent an injury;

The adult should explain the reason for the physical contact to the young person. Unless the situation is an emergency, the adult should ask the young person for permission.

The contact should not involve touching genital areas, buttocks or breasts. Physical contact should not take place in secret or out of sight of others. All injuries should be fully recorded by staff.

Any form of physical punishment of learners is unlawful, as is any form of physical response to misbehaviour unless it is by way of restraint. It is particularly important that employees understand this both to protect their own position and that of the College.

There may be occasions where it is necessary for a member of staff to physically restrain a learner to prevent him/her from inflicting injury to himself/herself or others. In such cases only

the minimum force necessary must be used and any action taken must be to restrain a learner. Where the member of staff has taken action to restrain a learner he/she should report the matter to their manager.

3.2 **The practice of physical intervention**

Physical intervention can be defined as “the reasonable application of the minimum necessary force to overpower a learner with the intention of preventing them from harming themselves or others, or from causing serious damage to property”.

Physical intervention should only be used exceptionally, when unavoidable and in keeping with the incident leading to it. It should be primarily for the benefit of the learner and, though immediate, always be a considered response.

Physical intervention should not be used as a form of punishment or, in normal circumstances, to enforce compliance with instructions. It should not be attempted where the member of staff is thereby put at undue risk.

Incidents of physical intervention should, in appropriate circumstances, be subject to debriefing for staff involved and lead to a review of strategies for managing the behaviour of learners between relevant parties. All incidents should be recorded in writing including any written account made by other people present.

Where staff themselves are the subject of physical attack by learners or their parents/carers, they should report the incident to their manager.

Where physical intervention is deemed necessary it is advised that two staff be involved.

3.3 **Sexual contact with learners**

There is NO acceptable behaviour that has either explicit sexual connotations or innuendo between a member of staff and a learner for which they have any form of direct responsibility. Any such behaviour will always be treated as extremely serious and must be reported immediately.

The College considers that sexual contact with a young learner is a breach of trust even where the person is over the age of 16.

3.4 **Meetings with learners**

Staff should be aware of the potential risks which may arise from interviewing individual learners in private. It is recognised that there will be occasions when confidential interviews must take place but, where possible, such interviews should be conducted in a room with visual access or with the door open, or in a room or area which is likely to be frequented by other people. Meetings with learners away from educational or business premises normally utilised should not take place unless specific approval has been obtained from those responsible for the learner.

Where such conditions cannot apply staff are advised to ensure that another adult knows that the interview is taking place. The use of “engaged” signs for example, are not advisable and where possible another person should be present or nearby during the interview.

If necessary to detain a young learner for any length of time after the end of normal hours, prior warning must be given to the young learner’s parents/carers or manager.

Staff should avoid providing students with lifts in their own cars particularly on a one to one basis.

Staff undertaking trips away from College with students must ensure that the trip is properly set up in accord with the visits procedure available on SharePoint. There is no such thing as an unofficial trip and it is the responsibility of any staff member undertaking a trip with a learner to ensure that appropriate authority has been obtained from the relevant manager and that there are sufficient members of staff to ensure proper supervision of the party at all times.

Staff should be aware that their actions should withstand public scrutiny at all times.

3.5 **Caring/First Aid**

If a learner complains of injury or sickness, a judgement should be made as to whether he/she should be referred to a person qualified in first aid or advised to see his/her own doctor. If the learner is a young learner their parents/carers should also be informed. Staff that have to administer first aid (normally a trained first aider) are advised that, wherever possible, another adult is present, if they are in any doubt as to whether necessary physical contact could be misconstrued.

Where possible and where appropriate to the wishes of the student, another adult should accompany employees who have to help learners with personal care and learners should, wherever possible, be encouraged to deal with such matters themselves.

Where it is necessary to assist with/supervise dressing or undressing, staff should be of the appropriate gender and must be careful to protect the dignity of the learner.

Male staff should not, as a general rule, enter female toilets nor should female staff enter male toilets, except in extreme situations such as fire, or where there may be a threat to life or limb.

3.6 **Provision of advice and guidance**

Staff may from time to time be approached by learners for advice. Learners may also appear distressed and staff may feel the need to ask if all is well. In such cases staff must judge whether it is appropriate for them to offer counselling and advice or whether to refer the learner to a member of staff of another gender or to one with acknowledged expertise, experience or responsibility for that learner. Staff must in these circumstances use their discretion to ensure that, for example, any probing for details cannot be construed as unjustified intrusion.

Staff are advised **never to stop a free-flowing account/disclosure** of abuse but to make sure that at an appropriate point they inform the young person that they cannot keep such information confidential and need to tell someone else to get help. Example: 'Thank you for telling me, I now need to tell (where possible give the name and position of who will be told) so that we can get some help for you and younger siblings.'

A young learner may ask a member of staff to 'keep a secret', or to promise not to tell other people what they are about to tell them. Where this happens the member of staff must explain that they are not able to promise confidentiality as they may need to tell someone else if they are to help the young person.

Where a young person is told by a member of staff that they cannot promise confidentiality the young person may decide not to continue telling. If a young person starts to say something and then stops, the member of staff needs to try to leave it open for the young person to come back to the discussion; the member of staff must act, following the Child Protection procedures. It may be appropriate to refer the young person to available counselling/medical services, for instance their GP or a school/ college based service.

Remember - if in doubt - Act

3.7 **Social Contact**

Social contact with young learners, other than that which is College based or organised by a school, should be positively resisted.

It is recognised that there may be occasions when accidental or reasonable social contact may be unavoidable, e.g. meeting young learners at social venues open to the general public or in shops or at private parties. In such circumstances, staff should be mindful at all times of their professional relationship with young learners.

If the nature of social contact is significant, and results in a member of staff offering advice, for example the young learner makes a disclosure of abuse, staff should both record the event and inform their manager.

The college actively discourages staff members giving out personal phone numbers to students and communicating with students via social networking sites such as Facebook, Twitter, MySpace and others.

3.8 **Social Networking**

The College would advise staff to ensure their privacy settings, on any social networking site, do not allow for unfamiliar persons to be able to view their profile and personal information.

A member of staff should be aware that where potentially compromising information is posted on social networking sites, there is a danger that it may be accessed by colleagues and/or students, and as a result seriously impact upon that colleague's professional standing. For example, if a member of staff posted information about an aspect of their private life relating to areas of sexual behaviour, alcohol, drug misuse, violence or anything that was illegal this would be considered inappropriate.

Should any inappropriate information be posted by a member of staff and it became common knowledge, then professional relationships (those of mutual respect, professional distance, acting as a role model etc) with students could be compromised. This would be considered as a serious disciplinary offence by the College. It would also be considered that such an incident would be deemed to have brought the profession and/or the College into disrepute.

It may be considered that the best advice would be not to use social networking websites. However, if a member of staff chooses to do so they should be aware of potential pitfalls.

Staff are strongly advised that they should:

- be highly circumspect about the information that is posted in public view; criticising the College, colleagues and students will be considered a serious disciplinary offence
- ensure that there is restricted access to their individual sites
- ensure that they do not invite students to be a 'friend' or visit their site

The College offers open in house access to its employees and students to sites such as Facebook, Twitter, etc. Some areas of the College use social networking sites to allow for additional forms of communication with their students. The College has a Social Media Policy available from SharePoint that offers further detail on the management of this.

3.9 **Relationships between Staff and Students**

Staff should ensure that their relationships with learners are appropriate to the age and gender of the learner, taking care that their conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when dealing with adolescent boys and girls.

Comments by staff to learners, either individually or collectively, can be misconstrued. As a general principle, staff must not make unnecessary comments to and/or about learners, which could be construed to have a sexual connotation. It is also unacceptable for staff to introduce or to encourage debate amongst young learners in a class, training situation or elsewhere (other than in planned debate during, for example, enrichment activities) which could be construed as having a sexual connotation that is unnecessary given the context of the training session or the circumstances. However it is recognised that a topic raised by a young learner is best addressed rather than ignored. It is appropriate for staff to advise the young learner where they can access further advice and support.

Staff should be careful in their use of language/terminology that may be misconstrued.

The systematic use of insensitive, disparaging or sarcastic comments such as those that refer to a learner's body, intelligence, gender, sexual orientation or ethnicity in any way are unacceptable.

If a member of staff feels that a young person is developing a crush or infatuation it is their responsibility to discuss the situation with their manager.

Staff should recognise their professional and ethical responsibility to protect the interests of students, to avoid conflicts of interest, to respect the trust involved in the staff/student relationship and to accept the constraints and obligations which are part of that responsibility.

Should a personal relationship already be in existence, it is the responsibility of the member of staff to inform their manager. He/she will not be required to give details other than the student's name and the nature of the association, for example family member, partner. If the member of staff would prefer not to go directly to their manager he/she should contact Human Resources.

The consequences of failure to disclose a relationship, which involves a conflict of interest, may be a breach of this policy which may lead to disciplinary action.

4.0 REPORTING OF INCIDENTS

- 4.1 Following any incident where a member of staff feels that his/her actions have been, or may be, misconstrued, the member of staff should report the matter to their manager.

Such reporting is especially important in any case where a member of staff has been obliged to restrain a student physically to prevent him/her from inflicting injury to others or themselves, or where he/she has been personally attacked by another learner, parent or carer.

5.0 CONSUMPTION OF ALCOHOL

- 5.1 The consumption of alcohol whilst at work – other than in the circumstance described below - is not allowed and may lead to disciplinary action.
- 5.2 The consumption of alcohol is allowed at officially sanctioned work events where alcohol may be provided with food, but it is the responsibility of staff to ensure that this is modest and does not adversely impact on their duties or conduct.
- 5.3 However, where a member of staff is due to drive on College business during the shift the consumption of alcohol even during officially sanctioned work events, breaks or immediately prior to commencing work is not allowed and may be treated as a disciplinary matter.
- 5.4 The consumption of alcohol during unpaid breaks and immediately prior to commencing work is discouraged but not prohibited. However, if this results in an adverse or unacceptable effect on an employee's conduct or work performance, this will need to be addressed by their manager in the context of this policy.

6.0 EQUALITY AND DIVERSITY POLICY OF THE COLLEGE

- 6.1 This Policy has been subject to an Equality and Diversity Impact Assessment. All individuals will be treated equally and fairly in the application of this Policy. All reasonable requests to accommodate requirements in terms race, age and disability will be accommodated, as long as it is practicable to do so.

CODE OF PROFESSIONAL PRACTICE

The Institute for Learning's code of Professional Practice came into force on 1 April 2008. **The Code was developed by the profession for the profession** and it outlines the behaviours expected of members – for the benefit of learners, employers, the profession and the wider community.

- Integrity
- Respect
- Care
- Practice
- Disclosure
- Responsibility

Behaviour 1: Professional integrity

The members shall;

1. Meet their professional responsibilities consistent with the Institute's professional values
2. Use reasonable professional judgement when discharging differing responsibilities and obligations to learners, colleagues, institution and the wider profession
3. Uphold the reputation of the profession by never unjustly or knowingly damaging the professional reputation of another or furthering their own position unfairly at the expense of another
4. Comply with all reasonable assessment and quality procedures and obligations
5. Uphold the standing and reputation of the Institute and not knowingly undermine or misrepresent its views nor their Institute membership, any qualification or professional status

Behaviour 2: Respect

The members shall at all times:

1. Respect the rights of learners and colleagues in accordance with relevant legislation and organisation requirements
2. Act in a manner which recognises diversity as an asset and does not discriminate in respect of race, gender, disability and/or learning difficulty, age, sexual orientation or religion and belief.

Behaviour 3: Reasonable care

The members shall take reasonable care to ensure the safety and welfare of learners and comply with relevant statutory provisions to support their well-being and development.

Behaviour 4: Professional practice

The members shall provide evidence to the Institute that they have complied with the current Institute CPD policy and guidelines.

Behaviour 5: Criminal offence disclosure

Any member shall notify the Institute as soon as practicable after cautioning or conviction for a criminal offence. The Institute reserves the right to act on such information through its disciplinary process.

Behaviour 6: Responsibility during Institute investigations

A member shall use their best endeavours to assist in any investigation and shall not seek to dissuade, penalise or discourage a person from bringing a complaint against any member, interfere with or otherwise compromise due process.

Behaviour 7: Responsibility to the Institute

The members shall at all times act in accordance with the Institute's conditions of membership which will be subject to change from time to time.

All decisions are taken by disciplinary committees, comprising lay and professional members, who sit with independent legal advisors. The procedures are administered by the professional practice team.

There are four sanctions which can be applied to members who breach the Code of professional practice:

- A reprimand
- A conditional registration order
- A suspension order
- An expulsion order

The nature of the sanction imposed will depend upon the circumstances of the case. IfL has issued indicative sanctions guidance to the professional practice committee. Any disciplinary order imposed by IfL relates only to a member's class and status within IfL and bears no connection to relationships outside of that, such as membership of another organisation or employment.