



Children's MARS Guidance on Code of Conduct for Employers, Staff and Volunteers working with Children and Young People

based on the Guidance for Safer Working Practice for Adults who work with Children and Young People by:



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Introduction

This guidance document describes the standards of conduct and practice that should be followed by employers, staff and volunteers when working with children and young people in North Lincolnshire. It has been developed by the Safer Recruitment Consortium in October 2015 and is designed to complement other advice or codes of conduct produced by employers or national bodies, not to replace or take priority over them.

Whilst this document covers a wide range of situations, it is recognised that it cannot cover every eventuality and the principles should be applied.

Definitions

References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all children and young people, including those over the age of 18 years. 'Child' should, therefore be read to mean any child or young person at an education establishment. 'Child' should also apply to a care leaver under the age of 25 years old.

References made to adults and staff refer to all those who work with children in either a paid or unpaid capacity.

The term 'allegation' means where it is alleged that a person who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or,
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

Overview and purpose of guidance

The purpose of the guidance is to protect and promote the interests of workers and the children they work with. All adults who come into contact with children and young people, in their work, have a legal and moral duty to keep them safe and to protect them from sexual, physical and/or emotional harm. The duty that rests on an individual is to ensure that all reasonable steps are taken to ensure the welfare of a child or young person is paramount.

This guidance seeks to ensure that the responsibilities of employers towards children and staff are discharged by raising awareness of illegal, unsafe, unprofessional and unwise behaviour. It should assist staff to monitor their own standards and practice and reduce the risk of allegations being made against them. It is also recognised that not all people who work with children work as 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 children.

The guidance aims to:

- keep children safe by clarifying which behaviours constitute safe practice, and which behaviours should be avoided
- assist adults working with children to work safely and responsibly, and to monitor their own standards and practice
- support managers or senior members of staff in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided
- give a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken
- support safer recruitment practice
- minimise the risk of misplaced or malicious allegations made against adults who work with children
- reduce the incidence of positions of trust being abused or misused

Diversity

At all times consideration needs to be given to the diversity needs of workers and children. Aspects of gender, culture, disability, language, racial origin, religious belief and sexual orientation may be relevant when considering the nature of allegations or appropriateness of communication or physical intervention.

Underpinning principles

- The welfare of the child is paramount. Staff should understand their responsibilities to safeguard and promote the welfare of children
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should work, and be seen to work, in an open and transparent way
- Staff should 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 or senior member of staff if they have acted in a way which may give rise to concern
- Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation
- Staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children
- Staff should be aware that breaches of the law and other professional guidelines could 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. For acts of serious misconduct, prohibition from working within their profession could be an outcome
- Staff, managers or senior member of staff should continually monitor and review practice to ensure this guidance is followed
- Staff should be aware of and understand their organisation's child protection policy and arrangements for managing allegations against people who work with children. They should also understand their whistleblowing procedure and the [Children's Multi-Agency Resilience and Safeguarding Boards policy and procedures](#).

Reporting incidents

Allegations and incidents made to an employer should be reported to the organisation's Named Senior Officer immediately unless that person is the subject of the allegation/incident in which case it should be reported to the Named Senior Officer's deputy immediately.

If the allegation meets the criteria within the scope of the [Children's MARS Managing allegations against people who work with children](#) procedure, the employer/Named Senior Officer or their deputy should report the matter to the Local Authority Designated Officer (LADO) within 1 working day.

If an allegation is made to the Police, the officer who receives it should report it to the force Designated Liaison Officer without delay, who should in turn inform the LADO straight away. Similarly, if the allegation is made to Children's Services the person who receives it should report it to the LADO without delay.

Where an allegation is made or needs to be reported outside of usual office hours, the Named Senior Officer or any other staff member will immediately report it to the Extended Hours' Team, Children's Services or the Police if this action is necessary and inform the LADO the next working day. Contact details are as below:

Children's Services can be contacted on (01724) 296500 Monday to Friday 8.30am - 5pm and on evenings and weekends by contacting the Extended Hours team on (01724) 296555.

Humberside Police on 999 for immediate risk, otherwise the Police should be informed by phoning 101.

The LADO and Deputy LADOs can be contacted at the Independent Reviewing Service on (01724) 298293.

The Children's MARS commitment

The Children's MARS will ensure:

- appropriate safeguarding and child protection policies and procedures are in place in all areas that undertake work with children and that they are continually monitored, reviewed and made easily accessible to all workers
- workers are treated fairly and reasonably in all circumstances. If subject to an allegation staff will be supported and the principles of natural justice applied
- the safe practice of workers is continually promoted through supervision and training
- workers have readily available access to senior management or other emergency contact person;
- guidance is readily available to both adults and children
- a culture of openness and support is fostered
- readily known systems are in place for situations and concerns, from either party, to be raised and recorded and for their outcomes to be analysed in order to review procedures and working practices

- agencies have procedures in place regarding lone working, physical intervention, risk assessment
- agencies will have agreed care plans in place when work involves intimate care
- clear e-safety policies are in place

Responsibilities

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

Staff should:

- understand the responsibilities which are part of their employment of role, and be aware that sanctions will be applied if these provisions are breached
- always act, and be seen to act, in the best interests of the child
- avoid any conduct which would lead any reasonable person to question their motivation and intentions
- take responsibility for their actions and behaviour

This means that employers should:

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

Making professional judgements

This protocol highlights behaviour which is illegal, inappropriate or unadvisable. However, there will be rare occasions and circumstances in which staff members have to make decisions which could contravene this protocol in order to secure the welfare of children. These judgements should always be recorded and shared with a manager.

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

Where no specific guidance exists staff should:

- discuss the circumstances that informed their action or their proposed action with their line manager, senior colleague or, where appropriate the designated safeguarding lead. 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 their manager/senior colleague or the designated safeguarding lead
- always record discussions and actions taken with their justifications
- record any areas of disagreement and, if necessary refer to another agency or regulatory body

Power and positions of trust and authority

As a result of their knowledge, position and/or the authority invested in their role, all staff working with children are in a position of trust. The potential for exploitation and harm of children and vulnerable adults means that an unequal balance of power should not be used for personal advantage or gratification.

Staff should not:

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

Confidentiality

The storing and processing of personal information is governed by the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2018. Employers should provide clear advice to staff about their responsibilities under this legislation so that, when considering sharing confidential information, those principles should apply. However, there are some circumstances in which a member of staff may be expected to share information, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated safeguarding responsibilities.

This means that staff:

- need to know the name of their designated safeguarding lead and be familiar with the Children's MARS policies, procedures and guidance
- are expected to treat information they receive about children and their families in a discreet and confidential manner
- should seek advice from a manager, senior colleague or designated safeguarding lead, if they are in any doubt about sharing information they hold or which has been requested of them
- need to be clear about when information can/must be shared and in what circumstances
- need to know the procedures for responding to allegations against staff, and to whom any concerns or allegations should be reported
- need to ensure that where personal information is recorded using modern technologies that systems and devices are kept secure

Standards of behaviour

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. They should adopt high standards of personal conduct

in order to maintain the confidence and respect of the general public and those with whom they work.

Staff should not:

- behave in a manner which would lead any reasonable person to question their suitability to work with children or to act as an appropriate role model
- make, or encourage others to make sexual remarks to, or about, a child
- use inappropriate language to or in the presence of a child
- discuss their personal or sexual relationships with or in the presence of children
- make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such

This means that staff should:

- be aware that behaviour by themselves, those with whom they share a household, or others in their personal lives, may impact on their work with children
- understand that a person who provides early years education or childcare may be disqualified because of their 'association' with a person living or employed in the same household who is disqualified

Gifts, rewards, favouritism and exclusion

Employers should have policies in place regarding the giving and receiving of gifts and rewards and staff should be made aware of and understand what is expected of them.

Staff should:

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

Infatuations and 'crushes'

All staff need to recognise that it is not uncommon for children to be strongly attracted to a member of staff. 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.

Staff should:

- report any indications (verbal, written or physical) that suggest a child may be infatuated with a member of staff
- always maintain professional boundaries
- respond appropriately to any incidents arising from infatuations and crushes between young people.

This means that the manager or senior member of staff should:

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

Social contact outside of the workplace

It is acknowledged that staff may have genuine friendships and social contact with families, independent of the professional relationship. Staff should, however, also be aware that professionals who sexually harm children often seek to establish relationships and contact outside of the workplace with both the child and their parent, in order to 'groom' the adult and the child and/or create opportunities for sexual abuse. This could include opportunities for other types of grooming such as for the purpose of sexual exploitation or radicalisation.

This means that staff should:

- always approve any planned social contact with children or parents, with a manager or senior colleague, for example when it is part of a reward scheme
- advise a manager or senior colleague of any regular social contact they may have with a child, which could give rise to concern
- refrain from sending personal communication to children or parents unless agreed with a manager or senior colleague
- inform a manager or colleague of any relationship with a parent where this extends beyond the usual parent/professional relationship
- inform a manager or senior colleague of any requests or arrangements where parents wish to use their services outside of the workplace, for example: babysitting, tutoring

Communication with children (including the use of technology)

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

Staff should ensure that they have safe and responsible online behaviours, working to local and national guidelines and acceptable use policies which detail how new and emerging technologies may be used.

Staff should:

- not seek to communicate/make contact or respond to contact with children outside of the purpose of their work including the internet and social media
- not give out their personal details
- only use equipment and internet services provided by the employer

- follow the employer's acceptable use policy
- ensure that their use of technologies could not bring their employer into disrepute

Physical contact

There are times when it is entirely appropriate and proper for staff to have physical contact with children. However, it is crucial that they only do so in ways which are appropriate to their professional role and in relation to the child's individual needs and agreed plan.

Staff should:

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

The employer should:

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

Other activities that require physical contact

In some areas such as physical activity, drama or music where staff may need to initiate some physical contact with children, 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.

It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities.

Staff should:

- treat children with dignity and respect and avoid contact with intimate parts of the body
- always explain to a child the reason why contact is necessary and what form that contact will take
- seek consent of parents where a child is unable to give this e.g. because of a disability
- Consider alternatives, where it is anticipated that a child 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

The employer should:

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

Intimate/ personal care

Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is possible and practicable. They are entitled to respect and privacy at all times especially when in a state of undress when changing, toileting and showering. However, there still needs to be an appropriate level of supervision to ensure safety considerations such as bullying or teasing does not occur.

Any vulnerability, including those that may arise from a physical or learning difficulty should be considered when formulating the individual's plan

The employer should:

- have written care plans in place for any child who could be expected to require intimate care
- ensure that children are actively consulted about their own care plans

Staff should:

- adhere to their organisation's intimate and personal care policies
- make other staff aware of the task being undertaken
- always explain to the child what is happening before a care procedure begins
- consult with colleagues where any variation from agreed procedure/care plan is necessary
- record the justification for any variations to the agreed procedure/care plan and share this information with the child and their parents/carers
- avoid any visually intrusive behaviour
- where there are changing rooms announce their intention of entering
- always consider the supervision needs of children and only remain in the room where their needs require this

Staff should not:

- change or toilet in the presence or sight of children
- shower with children
- assist with intimate or personal care tasks which the child is able to undertake independently
- assist in any intimate or personal care, unless it is specified as part of a care plan for the child

Behaviour management

Staff should not use any form of degrading or humiliating treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children is completely unacceptable.

Staff should:

- not use force as a form of punishment
- try to diffuse 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 workplace which may impact on a child's behaviour
- follow the employers behaviour management policy
- behave as a role model
- avoid shouting at children 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

The use of control and physical intervention

Each employer should adhere to the legislation within their own organisation and great care must be exercised in order that adults do not physically intervene in a manner which could be considered unlawful.

The employer should:

- ensure that they have a lawful physical intervention policy consistent with local and national guidance
- regularly acquaint staff with policy and guidance
- ensure that staff are provided with appropriate training and support
- have an agreed policy for when and how physical interventions should be recorded and reported

Staff should:

- adhere to the employer's physical intervention policy
- always seek to defuse situations and avoid the use of physical intervention wherever possible
- where physical intervention is necessary only use minimum force and for the shortest time needed

Staff should not:

- use physical intervention as a form of punishment

Sexual conduct

Any sexual behaviour by a member of staff with or towards a child is unacceptable. It is an offence for a member of staff in a position of trust to engage with a child or young person under 18 years of age (Sexual Offences Act 2003: abuse of a position of trust and sexual activity with a child could be a matter for criminal and/or disciplinary procedures).

Staff should:

- not have any form of sexual contact with a child
- avoid any form of touch or comment which is, or may be considered, indecent
- avoid any form of communication with a child 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 child
- not discuss sexual matters with or in the presence of children other than as part of their recognised job role

Home visits

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

Staff should:

- agree the purpose for a home visit with their manager or senior member of staff unless this is part of their job role
- adhere to agreed risk management strategies
- avoid unannounced visits wherever possible unless this is part of their job role
- ensure there is visual access and/or an open door in one to one situations if this is possible given some staff roles
- always make detailed records
- ensure any behaviour or situation which gives rise to concern is discussed with their manager or senior member of staff

This means that employers should:

- ensure that they have home visit and lone-working policies which all adults are made aware of and should include arrangements for risk assessment and management

- ensure that all visits are justified and recorded
- ensure that staff are not exposed to unacceptable risk
- ensure that staff have access to an emergency contact

Transporting children

In certain situations staff or volunteers may be required or offer to transport children 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.

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

Staff should:

- 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 child
- have an appropriate licence/permit for the vehicle
- ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/ or ability to drive
- ensure that if they need to be alone with a child this is for the minimum time dependent on their job role
- be aware that the safety and welfare of the child is their responsibility until this is safely passed over to a parent/carer
- report the nature of the journey 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

Photography, videos and other images

All organisations working with children or young people should have arrangements with regard to the taking and use of images, which is linked to their safeguarding and child protection policy. This should cover the wide range of devices which can be used for taking/recording images e.g. Cameras, mobile phones, smart phones, tablets, web-cams, etc. and include arrangements for the use of these by both staff, children, parents and carers.

Staff should:

- adhere to their employer's policy

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

Staff should not:

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

Exposure to inappropriate images

Staff should take extreme care to ensure that children and young people are not exposed, through any medium to inappropriate or indecent images. There are no circumstances that will justify adults making, down-loading, possessing or distributing indecent images or pseudo-images of children (child abuse images). Accessing these images, whether using the employer's personal equipment, on or off the premises, or making, storing or disseminating such material is illegal.

Staff should:

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

Personal living accommodation including onsite provision

It is not appropriate for staff to be expected or requested to use their own private living space for any activity, play or learning. Nor should staff invite any children or young people into their living accommodation unless the reason has been formerly established and agreed with their line manager and the child's parents/carers.

Staff should:

- be vigilant in maintaining their privacy, including when living in on-site accommodation
- be mindful of the need to avoid placing themselves in vulnerable situations
- refuse any request for their accommodation to be used as an additional resource for activity of discussion with children

- be mindful of the need to maintain appropriate personal and professional boundaries
- not ask children to undertake jobs or errands for their personal benefit

Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear and repercussion. Staff who use whistle blowing procedures should have their employment rights protected.

Staff should also recognise their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies and that not to do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

Staff should:

- report any behaviour by colleagues that raises concern to their manager or senior colleague
- report allegations against staff and volunteers to their manager or senior colleague
- report concerns about a manager or colleague's response to either senior management or directly to the LADO
- report to the [NSPCC whistleblowing advice line](#)

This means that the employer should:

- have a whistleblowing policy in place which is known to all
- have as part of their safeguarding and child protection policy clear procedures for dealing with allegations against persons working on behalf of the employer

Sharing Concerns and Recording Incidents

All staff should be aware of their establishment's safeguarding procedures, including the procedures for dealing with allegations against staff and volunteers.

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

Staff should:

- be familiar with their establishment's arrangements for reporting and recording concerns and allegations
- know how to contact the LADO and Ofsted/regulatory body 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

The employer should:

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