



Caldecote Day Nursery



Staff Code of Conduct

Section 1: Overview

1.1 Introduction

This Code of Conduct is the nursery's Staff Behaviour Policy (Code Of Conduct) as required by statutory guidance *Keeping Children Safe in Education* (DfE 2019). It is a core component of the nursery's strategy to fulfil its statutory responsibilities to safeguard and promote the welfare of all children/students. The Code of Conduct is referred to throughout the document as 'the Code'.

All employees and volunteers have personal and legal responsibilities that are wider than their safeguarding responsibilities, including treating others with dignity and respect; acting honestly; using public funds and school equipment appropriately; adhering to health and safety guidelines; and practising equal opportunities at all times. These expectations are also set out in the Code and should be fully observed by all staff and volunteers, including the Proprietor, Manager, Senior Management team and any volunteers permitted to work in the setting.

Employees and volunteers should ensure they are familiar with other specific policies that underpin these expectations, which are referred to as "Required Reading" throughout the Code.

1.2 Definitions

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

References made to adults and staff refer to all those who work with children in an educational establishment, in either a paid or unpaid capacity. This would also include, for example, those who are not directly employed by the setting, e.g. Local Authority staff, sports coaches, students and volunteers.

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.

1.3 Purpose of the Code of Conduct

This Code is based on an update by the Safer Recruitment Consortium of a document





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previously published for schools by DfES. It was initially issued as those working with children had expressed concern about their vulnerability and requested clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. Education staff asked for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided.

The Code seeks to ensure that the responsibilities of school and educational settings leaders towards children and staff are discharged by:

- raising awareness of illegal, unsafe, unprofessional and unwise behaviour;
- clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- assisting staff to monitor their own standards and practice and reduce the risk of allegations being made against them;
- reducing the incidence of positions of trust being abused or misused;
- supporting safer recruitment practice.

It is also recognised that not all people who work with children work as paid or contracted employees. It is important that all adults working with children understand that the nature of their work and the responsibilities related to that work place them in a position of trust. The principles and guidance outlined in the Code apply and should be followed by any person whose work brings them into contact with children.

The Code is intended to provide a clear message that unacceptable behaviour will not be tolerated and that, where appropriate, legal or disciplinary action is likely to follow. The setting may refer to the Code in any disciplinary proceedings.

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

All adults who work with children have a responsibility to be aware of systems within their setting which support safeguarding and these should be explained to them as part of staff induction and in regular staff training sessions. This includes this Code and the nursery's safeguarding and child protection policy.

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





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It must be recognised that some allegations will be genuine as there are people who seek out, create or exploit opportunities to harm children. However, allegations may also be false or misplaced and may arise from differing perceptions of the same event. When they occur, they are inevitably distressing and difficult for all concerned. It is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them do so safely.

The Designated Officer (DO) in the Local Authority (formerly known as the LADO¹) will be informed within one working day of all allegations that a member of staff or volunteer 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 he or she would pose a risk of harm if they work regularly or closely with children.

1.4 Compliance with the Code of Conduct

The Code forms part of an employee's contract of employment. Failure to comply with it and with the associated school policies as highlighted in 'Required Reading' may result in disciplinary action being taken where breaches of the Code warrant such action.

The Code should be provided for all staff and volunteers (either electronically or by providing a paper copy) to read before they commence work at the setting. Before having any contact with children, all staff and volunteers should be given an opportunity to discuss the Code with a member of the leadership team and ask any questions in order to clarify understanding. They should then be asked to sign a pro forma to confirm that they have read, understood and agree to comply with the Code.

All employees are expected to treat children, other colleagues, parents and external contacts with dignity and respect and to comply with all relevant policies. Unacceptable behaviour such as discrimination, bullying, harassment or intimidation will not be tolerated in the nursery. This includes physical and verbal abuse and use of inappropriate language or unprofessional behaviour with colleagues, children and parents.

¹ Working Together 2015 refers to the Designated Officer. Agencies in Warwickshire continue to refer to the LADO (Local Authority Designated Officer).





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1.5 Background

All adults who come into contact with children in their work whether paid or unpaid have a duty of care² to safeguard and promote their welfare.

The Education Act 2002 (section 175), the Education (Independent School Standards) Regulations 2014 and the Education (Non-Maintained Special Schools) (England) Regulations 2015 place duties upon all schools and colleges to carry out their duties with regard to safeguarding and promoting the welfare of children.

The Children Act 2004 places a duty on organisations to safeguard and promote the well-being of children and young people. This includes the need to ensure that all adults who work with or on behalf of children and young people in these organisations are competent, confident and safe to do so.

*Working Together to Safeguard Children*³ (DfE 2015) and *Keeping Children Safe in Education*⁴ (DfE 2019) define safeguarding as 'protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes'.

The Code has due regard to current legislation and statutory guidance.

1.6 What to do if you are worried a child is being abused

Staff and volunteers must be familiar with the nursery's child protection & safeguarding policy and whistle blowing policy.

If a member of staff or a volunteer has a concern about a child they should raise that concern with the nursery's Designated Safeguarding Lead.

However, **concerns about the conduct of or abuse which may involve staff members must be referred to the Proprietor or Manager** using yellow forms. Concerns about the conduct of the Proprietor or Manager should be referred to the the Designated Officer in the Local Authority (formerly known as the LADO).

If, at any point, there is a risk of immediate serious harm to a child a referral should be made to the Multi-Agency Safeguarding Hub (MASH) or – in extreme circumstances – to the Police directly. Anybody can make a referral. If the child's situation does not appear to be improving the staff member/volunteer with concerns should press for re-consideration.

² The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care.

³ Working Together to Safeguard Children - A guide to interagency working to safeguard and promote the welfare of children - DfE 2015

⁴ Keeping Children Safe in Education - statutory guidance for schools and colleges – DfE 2016.





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1.7 Underpinning Principles

- The welfare of the child is paramount.⁵
- Staff and volunteers should understand their responsibilities to safeguard and promote the welfare of children.
- Staff and volunteers 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 and volunteers should work, and be seen to work, in an open and transparent way.
- Staff and volunteers should acknowledge that deliberately invented / malicious allegations are extremely rare and that all concerns should be reported and recorded.
- Staff and volunteers 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 and volunteers should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation.
- Staff and volunteers 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 and volunteers 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 & Barring Service (DBS) from working in regulated activity, or, for acts of serious misconduct by practitioners, prohibition from teaching by the Teaching Regulation Agency (TRA).
- Staff and managers should continually monitor and review practice to ensure this guidance is followed.
- Staff and volunteers should be aware of and understand the school / setting's child protection and safeguarding policy, arrangements for managing allegations against staff, staff behaviour policy, whistle blowing procedure and the local inter-agency safeguarding procedures established by the Warwickshire Safeguarding Board.

Section 2: Code of Safe Working Practice and appropriate professional conduct

1. Context

All adults who work with children and young people have a crucial role to play in their lives. They have a unique

This means that this Code:

⁵ Children Act 1989





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opportunity to interact with children and young people in ways that are both affirming and inspiring. This guidance has been produced to help them establish the safest possible learning and working environments which safeguard children and reduce the risk of them being falsely accused of improper or unprofessional conduct.

2. 'Unsuitability'

The guidance contained in this Code is an attempt to identify what behaviours are expected of staff and volunteers who work with children and young people in or on behalf of the school/setting. Adults whose practice deviates from this Code may bring into question their suitability to work with children and young people. The guidance may be used as reference by managers and the Designated Officers in the Local Authority when responding to allegations made against or concerns about the behaviour of staff in education and early years settings.

3. Duty of Care

All adults who work with and on behalf of children are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children and young people.

Whether working in a paid or voluntary capacity, those adults have a responsibility to keep children and young people safe and to protect them from sexual, physical and emotional harm, neglect and contextual safeguarding concerns including sexual and criminal exploitation. Children and young people have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of children and young people. Failure to do so may be regarded as professional misconduct.

The safeguarding culture of a school or setting is, in part,

- *applies to **all** adults working in all education and early years settings, whatever their position, role, or responsibilities*
- *may provide guidance where an individual's suitability to work with children and young people has been called into question*

This means that employees and volunteers should:

- *have a clear understanding about the nature and content of this Code*
- *discuss any uncertainties or confusion with their line manager*
- *understand what behaviours may call into question their suitability to continue to work with children and young people*

This means that employees and volunteers should:

- *understand the responsibilities that are part of their employment or role and be aware that sanctions will be applied if those responsibilities are breached*
- *always act and be seen to act in the best interests of children*
- *avoid any conduct which would lead any reasonable person to question their motivation and intentions*
- *take responsibility for their own*





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actions and behaviour

exercised through the development of respectful, caring and professional relationships between adults and children and young people. It is also exercised through the behaviour of adults, which at all times should demonstrate integrity, maturity and good judgement.

The public, local authorities, employers and parents/carers will have expectations about the nature of professional involvement in the lives of children and young people. When individuals accept a role working in an education or an early years setting they should understand and acknowledge the responsibilities and trust involved in that role.

Employers also have a duty of care towards their employees, both paid and unpaid, under Health and Safety legislation which requires them to provide a safe working environment for staff.

Legislation also imposes a duty on employees⁶ to take care of themselves and anyone else who may be affected by their actions or failings. Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of this guidance.

This means that employers should:

- *promote a culture of openness and support*
- *ensure that systems are in place for concerns to be raised*
- *ensure that adults are not placed in situations which render them particularly vulnerable*
- *ensure that all adults are aware of expectations, policies and procedures*
- *ensure that this Code of Conduct and safer working practices are continually monitored and reviewed*
- *ensure that, where services or activities are provided by another body, the body concerned has appropriate safeguarding policies and procedures*
- *ensure all employees and volunteers have access to and understand this Code and related policies and procedures*
- *ensure that all job and role descriptions and person specifications clearly identify each member of staff and volunteer's responsibility for safeguarding children in school and the competences necessary to fulfil the nursery's and the individual's duty of care*

This means that Managers/ Proprietors/ Governing Bodies should:

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

⁶ Health and Safety at Work Act 1974 Part I, Section.7





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implemented and monitored

4. Making professional judgements

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

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

This means that where no specific guidance exists employees and volunteers should:

- *discuss the circumstances that informed their action, or their proposed action, with a senior manager or, where appropriate, the nursery's 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 action which could be misinterpreted, misunderstanding, accident or threat with the Proprietor or Designated Safeguarding Lead.*
- *always record discussions and actions taken with their justifications.*
- *record any areas of disagreement about a course of action taken and, if necessary, refer to another agency/the LA/DO/Ofsted/TRS /other regulatory body*

5. Power and positions of trust and authority

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

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

This means that employees and volunteers should not:

- *use their position to gain access to information for their own or others' advantage and/or a child or family's detriment*
- *use their position to intimidate, bully, humiliate, threaten, coerce*





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

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

Where a person aged 18 or over is in a specified position of trust with a child under 18, it is an offence⁷ for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

6. Confidentiality

The storing and processing of personal information is governed by the Data Protection Act 1998. Employers should provide clear advice to employees and volunteers about their responsibilities under this legislation so that, when considering sharing confidential information, those principles are applied.

Employees and volunteers may have access to confidential information about children, young people and their families which must be kept confidential at all times and only shared when legally permissible to do so and in the interests of the child or young person. Records should only be shared with those who have a legitimate professional need to see them.

Employees and volunteers should never use confidential or personal information about a child or her/his family for their own, or others' advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the child. Confidential information should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the child's identity does not need to be disclosed, the information should be used anonymously.

- *or undermine children/students use their status and standing to form or promote relationships with children or young people which are of a sexual nature or which may become so*

This means that Managers should:

- *Ensure that all staff who need to share 'special category personal data' are aware that the DPA 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent or if to gain consent would place a child at risk*

This means that employees and volunteers:

- *need to know the name of their Designated Safeguarding Lead and be familiar with WS child protection procedures and guidance*
- *are expected to treat information they receive about children, young people and families in a discreet and confidential manner*

⁷ Sexual Offences Act 2003





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

If a child – or their parent / carer – makes a disclosure regarding abuse or neglect, the member of staff or volunteer should follow the school/setting's procedures. Whilst employees and volunteers need to be aware of the need to listen to and support children and young people, they must also understand the importance of not promising a child or parent/carer that they will keep secrets that relate in any way to the safety or well-being of any individual but should give reassurance that the information will be treated sensitively.

If a member of staff or volunteer is in any doubt about whether to share information or keep it confidential he or she should seek guidance from the Designated Safeguarding Lead. Any media or legal enquiries should be passed to senior management.

Additionally, concerns and allegations about adults should be treated as confidential and passed to the Proprietor or Manager (or DO if the concerns are about the Proprietor or Manager) without delay.

There are circumstances in which staff are obliged to release child data, e.g. parents seeking information about child progress or other colleagues in the school. Staff should be aware that, from time to time, information about employees' salaries is matched with other public sector information (tax office records, police) in terms of a legal obligation and in order to prevent fraudulent claims.

Everyone has the right to request access to data that is held about them and such requests should be made to the Proprietor / Manager.

- *should seek advice from a 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 volunteers and to whom any concerns or allegations should be reported*
- *need to ensure that where personal information is recorded electronically that systems and devices are kept secure*





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7. Standards of Behaviour

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

This includes the way in which staff and volunteers speak to children/students. A positive, respectful and encouraging tone should be used at all times. Where it is necessary to challenge inappropriate behaviour or to get children/students' attention, it is reasonable for staff and volunteers to raise their voices and/or use an authoritative tone. However, it is not appropriate for employees/volunteers to shout at children/students habitually or speak to them disrespectfully. Employees/volunteers should never set out to cause a child/student to feel frightened, ashamed or humiliated. Admonishments should focus on behaviour rather than the child/student's personality or character and targets for desired behaviour should be described by the member of staff or volunteer.

Employees and volunteers should refer to children/students by name. Disrespectful nicknames, words and terms should be avoided. Staff and volunteers should exercise caution in referring to children/students by affectionate nicknames and more general terms of endearment or familiarity such as 'Dear, Love, Petal, Mate, Dude'.

Employees and volunteers should be aware that use of such terms might cause some children/students to feel confused and/or uncomfortable, could be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

If members of staff or volunteers choose to speak to children/students using such informal language, they should ensure it is not reserved for particular individuals in order to avoid any allegations of favouritism or concern about grooming behaviour. Staff and volunteers should be particularly careful not to refer to children/students using words that are specifically associated with grooming such as

This means that employees and volunteers 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 children*
- *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 employees and volunteers should:

- *inform the headteacher/principal or specified person of any cautions, convictions or relevant orders accrued and/or if they are charged with a criminal offence; and/or any matter which might have implications for the safeguarding of children in school during their employment*
- *be aware that behaviour including online behaviour by themselves, those with whom they have a relationship or association or others in their personal lives may impact upon their work with children and young people*





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Sweetheart, Princess, Angel, Darling’.

There may be times when an employee or volunteer’s behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities, including with regard to their own children, or children or adults in the community. This could be because their behaviour is considered to compromise their position in the school/setting or indicates an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Employees and volunteers should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than the work setting. That includes behaviours on social media websites and other online behaviours.

The behaviour of an employee or volunteer’s partner or other family members may raise similar concerns and require careful consideration by the Proprietor / Manager as to whether there may be a potential risk to children and young people in school.

Employees and volunteers should be aware that any such behaviour, either in or out of the workplace, could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the employer into disrepute. Such behaviour may also result in prohibition from teaching, a bar from engaging in regulated activity, or action by another relevant regulatory body.

The Childcare (Disqualification) Regulations 2009 set out grounds for disqualification under the Childcare Act 2006 where the person or a person living in the same household or employed in the same household meets certain criteria set out in the Regulations. For example, an individual will be disqualified where they have committed a relevant offence against a child; been subject to a specified order relating to the care of a child; committed certain serious sexual or physical offences against an adult; been included on the DBS children’s barred list; been made subject to a disqualification order by the court; previously been refused registration as a

This means that school leaders should:

- *have a clear expectation that staff will discuss with the headteacher/principal/specified person any relationship/ association (in or out of school or online) that may have implications for the safeguarding of children in school*
- *create a culture where staff feel able to raise these issues*
- *safeguard their employees’ welfare and contribute to their duty of care towards their staff*
- *identify whether arrangements are needed to support these staff*
- *consider whether there are measures that need to be put in place to safeguard children (e.g. by putting arrangements in place to stop or restrict a person coming into school where a potential risk to children has been identified)*





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childcare provider or provider or manager of a children's home or had such registration cancelled.

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. Schools and private childcare settings are also prohibited from employing a disqualified person in respect of relevant early or later years childcare.

The Disqualification under the Childcare Act 2006 (Regulations 2018) state that schools should make clear their expectation that staff should disclose any relationship or association (in the real world or online) that may impact on the school's ability to safeguard pupils. This applies to all staff in all schools, not just those in early or later years childcare.

8. 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 employees and volunteers should select a manner of dress and appearance appropriate to their professional role and those may need to be different to how they dress when not at work.

Employees and volunteers should ensure they are dressed decently, safely and appropriately for the tasks and work they undertake. Those who dress or appear in a manner which could be viewed as offensive, inappropriate or provocative will render themselves vulnerable to criticism or allegation. The nursery's dress code for employees and volunteers is as follows:

- Green Nursery polo shirt / jacket
- smart black trousers / knee length black skirt and tights
- a black long sleeved top may be worn underneath your polo shirt in winter
- flat black shoes for outdoors / black indoor shoes or slippers

This means that employees and volunteers should wear clothing which:

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is 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*





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9. Gifts, rewards, favouritism and exclusion

The giving of gifts or rewards to children/students should be in accordance with agreed practice, consistent with the school or setting's behaviour policy, recorded and not based on favouritism. In some situations, the giving of gifts as rewards may be accepted practice for a group of children, whilst in other situations the giving of a gift to an individual child or young person will be part of an agreed plan, which is recorded and discussed with a senior manager and parents/carers.

There may be specific occasions, such as when a child suffers a serious illness or accident, when staff or volunteers may wish to give a child or young person a gift. However, staff and volunteers need to be aware that the giving of gifts can be misinterpreted by others as a gesture either to bribe or groom⁸ a young person. It is therefore recommended that when gifts are given in specific circumstances, they should be given by the whole staff group or by groups of staff (e.g. a vocational department) or on behalf of the whole school, in line with the agreed policy, by agreement with a senior manager and the action should be recorded.

Staff and volunteers should exercise care when selecting children and/or young people for specific activities, jobs or privileges in order to avoid perceptions of favouritism or unfairness. Similar care should be exercised when children are excluded from an activity. Methods and criteria for selection and exclusion should always be subject to clear, fair, agreed criteria and subject to scrutiny.

Staff and volunteers should take care to ensure that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children, young people or parents may wish to pass small tokens of appreciation to staff and volunteers, e.g. to mark a special achievement, occasion or religious festival or as a thank you and this is usually acceptable.

This means that employees and volunteers should:

- *be aware of and understand the nursery's relevant policies, e.g. promoting positive behaviour and the giving and receiving of gifts*
- *ensure that gifts received or given in situations which may be misconstrued are declared and recorded*
- *generally, only give gifts to an individual 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 which concern children and young people are fair and that wherever practicable these are undertaken and agreed by more than one member of staff*
- *ensure that they do not behave in a manner which could be construed as showing favouritism to or discrimination against individual children*

⁸ grooming' – the act of gaining the trust of a child so that some form of abuse or exploitation can take place.





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However, it is unacceptable for staff or volunteers to receive gifts on a regular basis or that are of any significant value.

See 37.3-37.5 for declaration of gifts.

10. Infatuations and 'crushes'

All staff and volunteers need to recognise that it is not uncommon for a child or young person to be strongly attracted to an adult who works with them 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 or volunteer who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a child or young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the Proprietor⁹. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

The Proprietor should give careful thought to those circumstances where the staff member/volunteer, child or young person and their parents/ carers should be spoken to and should ensure a plan to manage the situation is put in place. This plan should respond sensitively to the child and staff member/volunteer and maintain the dignity of all. This plan should involve all parties, be robust and regularly monitored and reviewed.

11. Social Contact outside of the workplace

Members of staff and volunteers should not establish or seek to establish social contact with children or their families for the purposes of securing a friendship or to pursue or strengthen a relationship.

However, it is acknowledged that staff and volunteers may have genuine friendships and social contact with parents / carers of children, independent of the professional relationship, such as when a parent and practitioner are part

This means that employees and volunteers should:

- *Record and report to the Proprietor any incidents or indications (verbal, written or physical) that suggest a child/student may have developed an infatuation with a member of staff or volunteer*
- *always acknowledge and maintain professional boundaries*

This means that senior managers should:

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

This means that employees and volunteers should:

- *inform senior management in writing of any relationship with a parent/carer which extends beyond the usual parent/professional relationship and is likely to lead to social*

⁹ If the Proprietor has the concern that a young person is becoming infatuated with them, they should report this to the DSL.





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of the same family / personal network or social / recreational circle. Those circumstances will usually be easily recognised, openly acknowledged and should be explicitly declared in writing by staff / volunteers to the Proprietor/ Manager. Members of staff and volunteers should always take care to maintain appropriate personal and professional boundaries in any such circumstances

Furthermore, staff and volunteers should 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 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 purposes of sexual exploitation or radicalisation.

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

Staff and volunteers should therefore be aware that social contact in certain situations could be misconstrued as grooming.

If a child/student or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff or volunteer should exercise her/his professional judgement in making a response but should always discuss the situation with their manager and, if advised to do so by their manager, with the parent of the child or young person.

This also applies to social contacts made through outside interests or the staff member/volunteer's own family.

Some staff and volunteers may, as part of their professional role, be required to support a parent or carer, for instance when initiating an Early Help assessment or supporting a parent who experiences difficulties in managing their child's behaviour or a personal crisis such as bereavement, domestic

contact with children or their parents/carers

- *advise senior management of any social contact they have with a child or her / his family which could give rise to concern*
- *refrain from sending personal communication to children or parents unless agreed with senior managers*
- *report and record any situation, which may place a child at risk or which may compromise the school/setting or their own professional standing*
- *be aware that the sending of personal communications such as birthday or faith cards should always be recorded and/or discussed with their line manager.*
- *understand that some communications may be called into question and need to be justified.*
- *inform senior management of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring*





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abuse or a relationship breakdown.

Care needs to be exercised in those situations where the parent comes to depend upon the member of staff for support outside their professional role. This situation should be discussed with senior management and, where necessary, referrals made to the appropriate support agency.

12. Communication with children, young people and their parents/carers (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. Online safety risks are posed more by behaviours and values than the technology itself.

Staff should ensure that they establish 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.

Communication with children both in the 'real' world and through web based and telecommunication interactions should take place within clear and explicit professional boundaries. This includes the use of computers, tablets, phones, texts, e-mails, 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/volunteers who communicate with children and their parents using Email, telephone, text or social networking should only do so for professional purposes and by use of school accounts and school owned ICT equipment.

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

This means that the setting will:

- *have in place an up to date Acceptable Use Policy (AUP)*
- *continually review the nursery's online safety policy and practice in the light of new and emerging technologies*
- *have a communication policy which specifies acceptable and permissible modes of communication between staff/volunteers and children/students*

This means that employees and volunteers should:

- *follow the school/setting's Acceptable Use Policy (AUP)*
- *ensure that privacy settings are set at maximum on any social networking sites they use and that children/students and their parents/carers are never able to view the content or are listed as approved contacts*
- *never use or access social networking sites of children or their parents/carers.*
- *not give their personal contact details to children/students or their parents/carers*
- *not seek to communicate/make contact or respond to contact*





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Staff and volunteers should not seek contact with or respond to requests for contact from children or their parents via personal telephone, text, Email or social networking accounts and should not therefore give their personal contact details, e.g. Email address, home or mobile telephone numbers, details of web based identities to children or their parents. If children or their parents locate these by any other means and attempt to contact or correspond with a staff member or volunteer, the latter should not respond and must report the matter to their line manager.

The children/parent should be firmly and politely informed that this is not acceptable.

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

Staff should adhere to the school/setting's policies, including those with regard to communication with parents and carers and the information they share when using the internet.

Email, text or social networking communications between a member of staff or volunteer and a child/student/parent outside this Code and agreed protocols may lead to disciplinary and/or criminal investigations.

Nursery e-mail and social networking accounts should only be used in accordance with the nursery's policy.

13. Use of social media , personal websites and blogs by staff and volunteers on school premises, while on official duty and outside work

There are a number of ways in which staff and volunteers may use social media, personal websites and blogs for different purposes:

- For work related purposes using school equipment and accounts either on school premises or offsite. Access to some journals, blogs and social networking sites is permitted for these purposes; For personal (i.e.

with children or their parents/carers outside of the purposes of their work

- *only use equipment, e.g. mobile phones, and internet services provided by the school/setting to communicate with children/students and their parents/carers, making sure that parents/carers have given permission for this form of communication to be used*
- *only make contact with children for professional reasons and in accordance with this Code and other school policies*
- *recognise that text messaging should only be used as part of an agreed protocol and when other forms of communication are not possible; and recognise that text messaging is rarely an appropriate response to a child in a crisis situation or at risk of harm*
- *not discuss or share data relating to children/parents/carers in staff or private social media groups*
- *ensure that their use of technologies could not bring the school/setting into disrepute*

This means that staff and volunteers should:

- *act in accordance with the nursery's Social Media and ICT Acceptable Use Policy.*





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- not work related) purposes using school equipment and accounts either on school premises or offsite;
- For personal (i.e. not work related) purposes using personally owned devices and accounts during work time;
- For personal (i.e. not work related) purposes using personally owned devices outside work time.

All such usage is subject to the school's acceptable use policy (AUP), which may restrict or prohibit some of the above, and this Code.

The school must ensure that confidentiality and its reputation are protected. Therefore, in all uses (both school and personally owned) of social media, websites, blogs etc., all staff and volunteers must:

- always act in the best interests of the school;
- not make any defamatory remarks about the school; pupils/students; staff or volunteers; parents/ carers; associated professionals or contractors; or conduct themselves in way that is detrimental to the reputation of the school;
- must not disclose personal data or information about the school; pupils/students; staff or volunteers; parents/ carers; associated professionals or contractors that could breach the Data Protection Act 2018, for example, posting photographs or images of pupils/students or colleagues.

The school/setting respects employees' and volunteers' rights to a private life. However, employees who wish to set up personal web forums, websites or 'blogs' must do so outside of work and not use school equipment for the purpose.

In addition to the above expectations, employees and volunteers using personal social media accounts, websites, web forums or 'blogs' must:

- refrain from identifying themselves as working for the school in a way which has, or may have, the effect of bringing the school into disrepute;
- not identify other school employees, volunteers or pupils;
- not allow pupils/students or their parents/carers to





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- access their personal social networking accounts;
- when they are contacted by a pupil or parent/ carer, bring that to the attention of the headteacher/principal at the earliest opportunity.

Any breach of these expectations may lead to disciplinary action.

14. Physical contact

There are occasions when it is entirely appropriate and proper for staff and volunteers to have physical contact with children with whom they are working. However, it is crucial that they only touch children in ways which are necessary and appropriate to their professional or agreed role and responsibilities and in relation to the child's individual needs and any agreed care plan.

There may be some occasions when staff or volunteers consider that a distressed child needing comfort and reassurance requires physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from a parent etc. Staff and volunteers should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

However, it is important to emphasise that not all children and young people feel comfortable about physical contact. This should be recognised and, wherever possible, adults should seek the child's permission before initiating contact and be sensitive to any signs that they may be uncomfortable or embarrassed. Staff and volunteers should acknowledge that some children are more comfortable with touch than others and /or may be more comfortable with touch from some adults than others. Staff and volunteers should listen, observe and take note of the child's reaction or feelings and, so far as is possible, use a level of contact and/or form of communication which is acceptable to the child.

Where a member of staff or volunteer has a particular concern about the need to provide comfort or reassurance that includes physical contact, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager, who will make a judgement

This means that staff and volunteers should:

- *be aware that even well intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described*
- *never touch a child in a way which may be considered indecent*
- *always be prepared to report and explain actions and accept that all physical contact will be open to scrutiny*
- *not indulge in 'horseplay' 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*
- *not assume that all children seek physical comfort if they are distressed*
- *wherever possible, avoid offering physical reassurance in one to one situations and always record such actions in those circumstances*
- *establish the preferences of children*
- *consider alternatives, where it is anticipated that a child might misinterpret or be uncomfortable with physical contact*





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about when and how to inform parents/carers. It is important that staff and volunteers take particular care when working with a child on a one-to-one basis.

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

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 should never be secretive, or for the gratification of the member of staff or volunteer, or represent a misuse of authority. If a member of staff or volunteer 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 reported immediately to the Proprietor / Manager and an appropriate record made. Where appropriate, the Proprietor / Manager should consult with the Designated Officer in the Local Authority (LADO).

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. Staff and volunteers need to be aware that the child may associate physical contact with such experiences. They should also recognise that these children may seek out inappropriate physical contact. In all circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to deter the child sensitively and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with the Proprietor / Manager and the parent/carer.

Where a child seeks or initiates inappropriate physical contact with a member of staff or volunteer, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the child and advice and support given to the member of staff or volunteer concerned.

- *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 always be sensitive to issues of gender*
- *understand that physical contact in some circumstances can be easily misinterpreted*

This means that the school should:

- *ensure it has a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management*
- *make adults aware of relevant professional or organisational guidance in respect of physical contact with children and meeting medical needs of children and young people where appropriate*
- *be explicit about what physical contact is appropriate for adults working in the school*
- *provide staff, on a 'need to know' basis, with relevant information about vulnerable children in their care*





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A general culture of 'safe touch' should be adopted, where appropriate, to the individual requirements of each child. Children with special educational needs or disabilities may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

Physical contact which occurs regularly with an individual child/student is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed and written plan or within the parameters of established, agreed and legal professional protocols on physical contact, e.g. sport activities or medical procedures. Any such arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

15. Other activities that require physical contact

Members of staff and volunteers who work in certain curriculum areas, such as PE, drama, music or outdoor activities, may need to initiate some physical contact with children/students, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child/student so they can perform an activity safely or prevent injury. Such activities should be carried out in accordance with existing codes of conduct, regulations and best practice.

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

Guidance and protocols around safe and appropriate physical contact may be provided, for example, by sports governing bodies or major arts organisations and should be understood and applied consistently. Any incidents of

This means that staff and volunteers should:

- *treat children/students with dignity and respect and avoid contact with intimate parts of their bodies*
- *always explain to a child/student the reason why contact is necessary and what form that contact will take*
- *seek consent of parents where a child/student is unable to give informed consent because of communication difficulties or 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 or*





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physical contact that cause concern or fall outside of these protocols and guidance should be reported to the Proprietor and parent or carer.

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

16. Intimate / personal care

Settings should have clear nappy or pad changing and intimate / personal care policies which ensure that the health, safety, independence and welfare of children are promoted and their dignity and privacy are respected. Arrangements for intimate and personal care should be open and transparent and accompanied by recording systems.

Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is possible and practicable. When assistance is required, this should normally be undertaken by one member of staff. However, another appropriate adult who is aware of the task to be undertaken should always be in the vicinity and visible and/or audible. Intimate or personal care procedures should not involve more than one member of staff unless the child's care plan specifies the reason for this.

The emotional responses of any child to intimate care should be carefully and sensitively observed and, where necessary, any concerns passed to senior managers and/or parents/carers.

- *religious issues that may need to be considered prior to initiating physical contact*

This means that the school/setting should:

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

This means that the school/setting 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 plan*

This means that staff and volunteers should:

- *adhere to the nursery's intimate care and nappy changing policies*
- *make other staff aware of the task being undertaken*
- *always explain to the child/student what is happening before a care procedure begins*
- *consult with senior managers and parents/carers where any variation from the agreed*





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

Staff should also be aware of and work in compliance with the Warwickshire County Council document 'Guidance on Special Toileting Needs in Schools and Early Years Settings' (2013)¹⁰.

Any vulnerability, including those that may arise from a physical or learning difficulty, should be considered when formulating the individual child's care plan. The views of parents, carers and the child, regardless of their age and understanding, should be actively sought in formulating the plan and in the necessary regular reviews of these arrangements.

Children 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. However, there needs to be an appropriate level of supervision in order to safeguard children, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

When supervising children or young people who are in the course of dressing or undressing as part of curriculum activities such as sport, swimming, dance or drama; or while engaged in a residential visit, staff and volunteers need to seek a balance between safeguarding children, for instance by ensuring that bullying does not take place, while respecting child's entitlement to privacy when changing and in a state of undress. Staff should therefore announce their intention of entering a changing room or dormitory, maintain a brisk and business like presence but avoid lingering in the room, looking at and any form of physical contact with a child while they are in a state of undress.

- *procedure/care plan is necessary*
- *record the justification for any variations to the agreed procedure/care plan and share this information with parents/carers*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms, announce their intention of entering*
- *always consider the supervision needs of the children and only remain in the room where their needs require this*

This means that adults 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*

¹⁰ <https://apps.warwickshire.gov.uk/api/documents/WCCC-1090-123>





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17. Behaviour Management

All children and young people have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour. Corporal punishment and smacking is unlawful in all schools and early years' settings.

Staff and volunteers should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children and young people; and any approach to behaviour management that seeks to persuade children to conform as a result of feeling shame and/or humiliation is completely unacceptable. Any sanctions or rewards used should be part of a behaviour management policy which is widely publicised and regularly reviewed.

Where children display difficult or challenging behaviour, staff and volunteers must follow the setting's behaviour policy, using strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

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

The senior leadership team should ensure that the setting's behaviour policy includes clear guidance about the use of isolation and seclusion. The legislation on these strategies is complex and staff should take extreme care to avoid any practice that could be viewed as unlawful, a breach of the child's human rights and/or false imprisonment.

This means that staff and volunteers should:

- *not use force as a form of punishment*
- *try to defuse situations before they escalate, e.g. by distraction*
- *keep parents informed of any sanctions or behaviour management techniques used*
- *be mindful of and sensitive to factors both inside and outside of the setting which may impact on a child's behaviour, e.g. bullying, abuse, and where necessary take appropriate action*
- *follow the setting's behaviour management policy*
- *behave as a role model*
- *avoid shouting at children other than as a warning in an emergency/safety situation*
- *refer to 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*

This means that the school should:

- *have in place a safe behaviour management policy that is not based on persuading children to conform by causing them to feel shame and/or humiliation*
- *where appropriate, develop positive handling plans in respect of individual children/students.*





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18. The use of control and physical intervention

There are circumstances in which adults working with children displaying extreme behaviours can legitimately intervene by using either non-restrictive or restrictive physical interventions. This is a complex area and staff, volunteers and the school must have regard to government guidance and legislation and local guidance produced by Warwickshire County Council¹¹ as well as the nursery's behaviour management and safeguarding policies.

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

- committing a criminal offence
- injuring themselves or others
- causing damage to property
- engaging in behaviour prejudicial to good order and to maintain good order and discipline.

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

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted or disproportionate physical force is likely to constitute a criminal offence and will be reported and investigated in line with the WSB inter-agency 'Allegations against staff or persons in positions of trust procedure'.

When physical intervention is used it should be undertaken in such a way that maintains the safety and dignity of all concerned.

Where the school or setting judges that a child's behaviour presents a serious risk to themselves or others, a robust risk assessment, which is reviewed regularly, must always be put in place.

Similarly, where it can be anticipated that physical intervention is likely to be required, individual care plans, drawn up in consultation with parents /carers and where

This means that the school/setting should:

- ensure it has a lawful physical intervention policy that is consistent with WSCB and government guidance and legislation and describes the context in which it is appropriate to use physical intervention
- regularly acquaint staff with policy and guidance
- ensure that staff are provided with appropriate training and support
- has an agreed policy for when and how physical interventions should be recorded and reported, which allows for incidents to be tracked and monitored

This means that staff and volunteers should:

- adhere to the setting'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
- record and report as soon as possible after the event any incident where physical intervention has been used.

This means that staff and volunteers should not:

- use physical intervention as a form of punishment

¹¹ <http://www.warwickshire.gov.uk/wscbresources> - Appendix 22 'Guidance on the use of force and physical intervention'





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appropriate, the child should set out the strategies and techniques to be used and those which should be avoided. Parental consent does not permit settings to use unlawful physical intervention or deprive a child of their liberty.

In all cases where physical intervention occurs the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the child/student. The parents/carers should be informed on the same day.

19. Sexual conduct

Any sexual behaviour by a member of staff or volunteer with or towards a child is unacceptable.

Children 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 children by adults in a position of trust. It is an offence for a member of staff in a position of trust to engage in sexual activity with a child under 18 years of age¹².

Any sexual activity between a member of staff or volunteer with a child irrespective of the latter's age will always be regarded as a grave breach of trust and a matter for disciplinary action.

The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Working Together to Safeguard Children' defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening".

Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

All members of staff and volunteers should therefore clearly

This means that members of staff and volunteers should:

- *not have any form of sexual contact with a child from the school or setting*
- *avoid any form of touch or comment which is, or may be considered to be, indecent*
- *not have sexual relationships with children and young people*
- *not have any form of communication with a child or young person which could be interpreted as sexually suggestive, provocative or give rise to speculation, e.g. verbal comments, letters, notes, (in writing or via text, email or social media), phone calls, physical contact*
- *not make sexual remarks to, or about, a child/young person*
- *not discuss sexual matters with or in the presence of children or young people other than within agreed curriculum content or as part of their recognised job role*
- *ensure that their relationships with children and young people clearly take place within the*

¹² Sexual Offences Act 2003: abuse of a position of trust





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understand the need to maintain appropriate boundaries in their contacts with children and young people.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child and manipulate that relationship so sexual abuse can take place. All staff and volunteers should undertake appropriate training so they are fully aware of those behaviours that may constitute 'grooming' and of their responsibility always to report to the Proprietor any concerns about the behaviour of a colleague which could indicate that a child is being groomed.

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

20. One to one situations

The school and all those who work within it have a responsibility to prepare for and make appropriate arrangements for situations in which staff or volunteers including staff from external organisations might find themselves working with children on a one to one basis.

It is not realistic to state that one to one situations should never take place. However, it is appropriate to state that where there is a need, for an adult to be alone with a child certain procedures and explicit safeguards must be in place. Wherever possible there should be a fully recorded discussion between the member of staff and their manager as to the reasons for this.

One to one situations have the potential to make a child more vulnerable to harm by those who seek to exploit their position of trust. Staff or volunteers working on a one to one basis with children may also be more vulnerable to allegations or complaints being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. These might include, for example, staff and volunteers working on a one to one basis in visible areas; in rooms with doors left open; in alcoves/ corridors which afford some quiet and privacy but facilitate other

boundaries of a respectful professional relationship

- *take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when members of staff are dealing with adolescent boys and girls.*

This means that staff and volunteers should:

- *ensure that wherever possible there is visual access and/or an open door in one to one situations*
- *avoid meetings with a child or young person in remote, secluded areas*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a child becomes distressed or angry to a senior colleague*
- *carefully consider the needs and circumstances of the child/student involved when in one to one situations*





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adults passing by periodically; and ensuring that all rooms and areas in which one to one work might take place have observation windows. Every attempt should be made to ensure the safety and security of children/students and the staff and volunteers who work with them.

Arranging to meet with children from the setting away from the setting premises should not be permitted unless the necessity for this is clear and approval is obtained from the Proprietor / Manager or other senior colleague with delegated authority, the child and their parents/carers.

21. Home visits

All work with children and parents should, wherever possible, be undertaken in the school or setting or other recognised workplace. However, there are occasions when it is necessary to make one-off home visits in response to urgent, planned or specific situations.

In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard both children/students and members of staff who work with them, all of whom can be more vulnerable in these situations.

A risk assessment should be undertaken prior to any planned home visit taking place. The assessment should include an evaluation of any known factors regarding the child, parents/carers and others living in the household. Consideration should 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 should be given to visits in remote or secluded locations. Following the assessment, appropriate risk management measures should be put in place before the visit is undertaken. In the unlikely event that little or no information is available, visits should not be made alone.

Where a programme of work is to be undertaken in the child's home, an appropriate work space should be provided and a written work plan should be agreed with the parent / carer. This should include: clear objectives; content; timing;

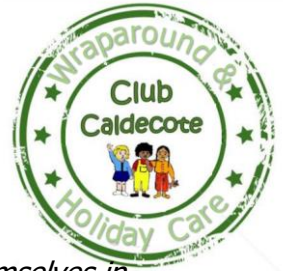
This means that staff and volunteers should:

- *agree the purpose for any home visit with the Proprietor or senior leader with delegated responsibility, unless home visits are an acknowledged and integral part of their role, e.g. Parent Support Advisors, DSLs*
- *adhere to agreed risk management strategies*
- *avoid unannounced home visits wherever possible*
- *ensure there is visual access and/or an open door in one to one situations*
- *always make detailed records including times of arrival and departure and work undertaken*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate, action is taken*
- *never make a home visit outside agreed working arrangements*
- *be vigilant in maintaining their privacy and mindful of the need*





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duration of sessions; ground rules; child protection and confidentiality statements. The plan should take into account the preferences of both the child and parent/carer. There should also be an agreement that the parent/carer or other suitable adult will remain in the home throughout the session.

Where the situation is such that changes in agreed work arrangements are required, a quick assessment will be necessary to determine if the session can continue. The Proprietor / Manager or line manager should then be informed as soon as is practically possible. Emergency situations should be reported to the Police or Children's Social Care and to the Proprietor / Manager/parent as appropriate.

If, in an emergency, such a one-off arrangement is required, the member of staff or volunteer must have a prior discussion with a senior manager and the parents or carers and a clear justification for such an arrangement must be agreed and recorded.

Under no circumstances should a member of staff or volunteer visit a child in their home outside agreed work arrangements and no child should be in or invited into the home¹³ of an employee or volunteer or that of a family member, colleague or friend unless the reason for that has been firmly established and agreed with parents/ carers and the Proprietor / Manager.

A written record of any such agreement should be maintained in the school or setting. Examples might include situations where a child is part of a member of staff / volunteer's extended family; or the member of staff / volunteer has an established social relationship with the child/student's parents/carers.

22. Transporting children and young people

Staff and volunteers should not offer lifts to children or their parents. Unless a child is part of a member of staff / volunteer's extended family; or the member of staff / volunteer has an established social relationship with the child/student's parents/carers.

to avoid placing themselves in vulnerable situations

- *challenge any request for their personal accommodation to be used as an additional resource for the school/academy*
- *be mindful of the need to maintain professional boundaries*
- *refrain from asking children/students to undertake personal jobs or errands*

This means that the setting should:

- *ensure that it has home visit and lone-working policies, which all staff and volunteers are made aware of. These should include arrangements for risk assessment and management*
- *ensure that all home visits are justified and recorded*
- *ensure that staff and volunteers are not exposed to unacceptable risk*
- *make clear to staff and volunteers that, other than in an emergency, they should not enter a home if a parent/carer is absent*
- *ensure that staff and volunteers have access to a school owned mobile telephone and an emergency contact person*

¹³ This includes any home or domestic settings used or frequented by the adult





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23. Educational visits, trips, outings and after-school activities

Staff responsible for organising educational visits should be familiar with the Department for Education's advice on Health and Safety¹⁴.

The duties in the Health and Safety at Work etc. Act 1974 and the supporting regulations apply to activities taking place on or off the school premises (including school visits) in Great Britain. All school employers must have a Health and Safety policy. This should include policy and procedures for off-site visits.

The Management of Health and Safety at Work Regulations (1999) impose a duty on employers to produce suitable and sufficient risk assessments. This would include assessment of any risks to employees, children or others during an educational visit, and the measures that should be taken to minimise these risks. For regular activities, the risks should be considered under the nursery'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 should be carried out.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual workplace.

Staff and volunteers should take particular care when supervising children/students in the less formal atmosphere of an educational visit where a more relaxed discipline or informal dress and language code may be acceptable.

24. First aid and administration of medication

All settings should have an adequate number of qualified first-aiders. Parents should be informed when first aid has been administered.

This means that staff and volunteers should:

- *adhere to the setting's educational visits policy/guidance*
- *always have another member of staff or volunteer present in out of workplace activities, unless otherwise agreed with a senior manager*
- *undertake risk assessments in line with the nursery's policy*
- *have written parental consent to the activity*
- *ensure that their behaviour remains professional at all times(see section 7)*
- *refer to local and national guidance for Educational visits.*

This means that the school will:

- *ensure there are trained and named individuals to undertake*

¹⁴ <https://www.gov.uk/government/publications/health-and-safety-advice-for-schools>

¹⁵ Guidance is also available from the Outdoor Education Advisers' Panel <http://oeapng.info/>





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Any member of staff may be asked to become a qualified first-aider or to provide support to children with medical conditions, including the administering of medicines, but they cannot be required to do so unless this forms part of their contract of employment¹⁶.

Staff should receive sufficient and suitable training and achieve the necessary level of competence before they take on responsibility to support children with medical conditions.

Advice on managing medicines is included in the statutory guidance on supporting children at school with medical conditions^{17,18}. In circumstances where a child needs medication regularly, this would usually be recorded in their individual healthcare plan. This provides details of the level and type of support a child needs to manage their medical condition effectively in school and should include information about the medicine to be administered, the correct dosage and any storage requirements.

When administering first aid, wherever possible, staff and volunteers should ensure that another adult is present, or aware of the action being taken. If a member of staff or volunteer is concerned or uncertain about the amount or type of medication being given to a child/student, provided by a parent/carer or prescribed, this should be discussed with the Designated Safeguarding Lead.

Adults taking medication which may affect their ability to care for children should seek medical advice regarding their suitability to do so and providers should ensure that they only work directly with children if that advice confirms that the medication is unlikely to impair their ability to look after children. Employers are also responsible for managing the performance of their employees and for ensuring they are suitable to work with children.

Risk assessment is likely to recommend that staff medication on the premises must be securely stored and out of reach of children at all times.

first aid responsibilities,

- *ensure training is regularly monitored and updated*
- *refer to local and national First Aid guidance and guidance on meeting the needs of children with medical conditions.*
- *always ensure that arrangements are in place to obtain parental consent for the administration of first aid or medication*

This means that staff and volunteers should:

- *adhere to the setting's policies for health and safety, supporting children with medical conditions and administering first aid or medication*
- *make other staff aware of the task being undertaken*
- *have regard to children's individual healthcare plans*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*
- *explain to the child/student what is happening.*
- *always act and be seen to act in the child/student's best interests*
- *report and record any administration of first aid or medication*
- *not work with children whilst taking medication unless medical advice confirms that they are able to do so*

¹⁶ Practitioners cannot be required to do these tasks but other members of staff, whose contracts are agreed locally, can be required to do so if their contracts provide for it.

¹⁷ DfE Supporting Pupils at School with Medical Conditions, September 2014. <https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>

¹⁸ DfES Guidance for First Aid in School 2000. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306370/guidance_on_first_aid_for_schools.pdf





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25. 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.

Under no circumstances should staff or volunteers be expected or allowed to use their personal equipment to take or store images of children at or on behalf of the setting, including during educational visits, residential trips and other off-site activities such as sports events. That includes the use of any device which can be used for taking / recording images, e.g. cameras, mobile-phones, smart phones, tablets, web-cams etc.

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 indecent or 'grooming' purposes. Particular regard needs to be given when images are taken of young or vulnerable children who may be unable to question why or how the activities are taking place.

Children who have been previously abused in a manner that involved images may feel particularly threatened by the use of photography, filming etc. Staff and volunteers should therefore remain sensitive to any child who appears uncomfortable and should recognise the potential for misinterpretation.

Making and using images of children will require the age appropriate consent of the individual concerned and their parents/carers. 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 children/students, the following guidelines must be followed when using images for the purposes of publicising the school/setting:

- if the image is used, avoid naming the child, (or, as a minimum, use first names rather than surnames)
- if the child is named, avoid using their image
- it must be established whether the image will be

This means that staff and volunteers should:

- *adhere to the school/setting's policy in relation to the creation and storage of images of children/students*
- *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/student is happy for them to do so*
- *only retain images when there is a clear and agreed purpose for doing so*
- *store images in an appropriate secure place in the school or setting using equipment owned by the school/setting*
- *ensure that a designated senior member of staff is aware that the photographic/image capturing 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*
- *report any concerns about any inappropriate or intrusive photographs found*

This means that staff and volunteers should not:

- *take images of children for their personal use*
- *display or distribute images of children/students unless they are sure that they have parental consent to do so (and, where appropriate, consent from the*





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- retained for further use, where and for how long
- images should be securely stored and used only by those authorised to do so.

Staff and volunteers should familiarise themselves with Warwickshire County Council guidance 'Images of children guidance for children and young people in Warwickshire'¹⁹.

- *child)*
- *take images of children/students using any equipment not provided or authorised by the school to take, record and store images of children/students*
- *take images of children in a state of undress or semi-undress or which could be considered as indecent or sexual*
- *take images 'in secret', or take images in situations that may be construed as being secretive.*
- *take images of a child's injury, bruising or similar (e.g. following a disclosure of abuse) even if requested by children's social care*

This means that the school will:

- *ensure that a robust policy in respect of the taking, recording, storage and publication of images of children/students that is compliant with WCC guidance 'Use of Images Guidance for Children and Young People in Warwickshire' is in place and that staff and volunteers are fully briefed about its contents*

26. Exposure to inappropriate images

Staff should take extreme care to ensure that children are not exposed, through any medium, to inappropriate or indecent images. The setting staff and volunteers working directly with children need to ensure that internet equipment used by children have the appropriate filters and restrictions to minimise the likelihood of access to inappropriate material.

There are no circumstances that will justify adults making, downloading, possessing or distributing indecent images or

This means that the school will:

- *have clear online safety policies in place about access to and use of the internet*
- *make guidance available to staff, volunteers and children/students about appropriate usage.*

This means that staff and volunteers

¹⁹ <http://www.warwickshire.gov.uk/wscbresources> - Appendix 27





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pseudo-images of children (child abuse images). Accessing these images, whether using the school/setting's or personal equipment, on or off the premises, or making, storing or disseminating such material is illegal.

If indecent images of children are discovered on the setting's premises or on the setting's equipment an immediate referral should be made to the Designated Officer (DO) in the Local Authority and the Police should be contacted. The images/equipment will be secured and there should be no attempt to view or delete the images as this could jeopardise necessary criminal action. If the images are of children known to the school, a referral should also be made to children's social care via the MASH²⁰.

Under no circumstances should members of staff or volunteers use equipment belonging to the setting to access pornography. Personal equipment containing pornography or links to it should never be brought into or used in the setting. This will raise serious concerns about the suitability of the adult to continue working with children and young people.

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

should:

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

²⁰ Further advice re: how school staff should respond when finding indecent images of children can be found at <https://www.safeguardingschools.co.uk/wp-content/uploads/2016/08/Sexting-in-schools-and-colleges-UKCCIS-August-2016.pdf>





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27. Whistleblowing

Whistle blowing is the mechanism by which staff and volunteers can voice their concerns, made in good faith, without fear of repercussion. The school has a clear and accessible whistle blowing policy that meets the terms of the Public Interest Disclosure Act 1998. Staff and volunteers who use whistle blowing procedures should have their employment rights protected.

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

In relation to whistle blowing concerning an allegation of abuse by a member of staff or volunteer or any breach of this Code of a safeguarding nature, staff and volunteers must comply with section 31 below.

28. Sharing concerns and recording incidents

All members of staff and volunteers should be aware of the setting's child protection and safeguarding procedures, including procedures for dealing with allegations against staff, volunteers and other adults that work with children/students.

All staff and volunteers should feel able to raise concerns about any poor or unsafe practice and any potential failure in the setting's safeguarding regime and have confidence that any such concerns will be taken seriously by the Proprietor / Manager²¹.

To that end, staff and volunteers have a duty to report any breach of this code of conduct including what may seem minor contraventions and all concerns about poor practice or possible child abuse by colleagues to the Proprietor without delay in line with the school/setting's child protection and safeguarding procedures²².

This means that the setting will:

- *ensure that an appropriate whistle-blowing policy is in place*
- *ensure that a clear procedure for dealing with allegations against staff and volunteers which is in line with Warwickshire Safeguarding Children Board's procedure for the management of allegations is in place.*

This means that staff and volunteers should:

- *report any behaviour by colleagues that raises concern regardless of source*

This means that staff and volunteers should:

- *be familiar with the school's systems for recording concerns, both about children and the behaviour of adults who work with children*
- *know how to contact the DO, WCC Education Safeguarding Service 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 in the school/setting*

²¹ Keeping Children Safe in Education (DfE 2016), paragraph 32

²² In the event of any member of staff or volunteer having concerns about the Proprietor breaching this code of conduct or abusing a child, they should contact the DSL or MASH without delay.





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That duty is not restricted to but includes specific allegations being made or incidents being witnessed, by any person, of abuse perpetrated by any member of staff, volunteer or other adult who works with children and young people.

The recommended format for all staff in schools to record any such poor practice or possible child abuse by colleagues or other adults who work with children is the pro forma 'Logging A Concern about the behaviour of an adult who works with children', also known as the 'Yellow form'. All such forms should be passed directly to the DSL. Alternatively, staff are free to approach the DSL directly to discuss their concerns.

Members of staff and volunteers should always 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.

All reports of breaches of this code of conduct and all specific allegations of abuse must be taken seriously and properly investigated in accordance with school and Warwickshire Safeguarding Children Board procedures and statutory guidance. Staff who are the subject of allegations are advised to contact their professional association or Trade Union.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of adults working with or on behalf of children/students.

In the event of any member of staff or volunteer having concerns about the Proprietor / Manager breaching this code of conduct or abusing a child, they should contact the DSL or MASH without delay.

To that end, contact details for the DSL and MASH will be readily accessible to all staff and volunteers via the safeguarding noticeboard in the staff room.

This means that the school:

- *should have an effective, transparent and accessible system for recording and managing concerns raised by any individual in the workplace*





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29. Professional behaviour

Employees must not misuse or misrepresent their position, qualifications or experience or bring the reputation of the setting into disrepute. Such behaviour may lead to disciplinary action. Serious safeguarding related allegations that are upheld will be referred to the Disclosure and Barring Service (DBS).

30. Criminal actions

Nursery employees must inform the Proprietor / Manager immediately if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution. The Proprietor / Manager will discuss the situation with the employee in the context of their role and responsibilities in order to help safeguard children, other employees at the school and the nursery's reputation.

31. Declaration of interests

An employee is required to declare any situation whereby a group or organisation they are associated with would be considered to be in conflict with the ethos of the nursery. Membership of a trade union or staff representative group would not need to be declared. Employees should also consider carefully whether they need to declare to the nursery their relationship with any individual(s) where this might cause a conflict with activities. For example, a relationship with another staff member or a contractor who provides services.

Failure to make a relevant declaration of interests is a serious breach of trust and therefore if employees are in doubt about a declaration, they are advised to take advice from their Proprietor / Manager.

32. Probity of records and other documents

The deliberate falsification of documents is not acceptable. Where an employee falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence. Where an employee who has claimed any benefit, including housing benefit, either directly or indirectly and has failed to disclose their full earnings, this will be investigated as a potential allegation of gross misconduct and the employee may be dismissed and referred to the Police.

33. Other employment

Employees are permitted to take up secondary employment outside the nursery, as long as the activity does not constitute a conflict of interest, adversely affect their primary employment at the school or exceed the legal maximum working week of 48 hours as defined by the Working Time Regulations. The secondary employment must be undertaken outside the working hours of the employee's normal post and employees are required to keep the Proprietor / Manager informed of their employment at other organisations.

34. Health and safety

Employees must adhere to the nursery's Health and Safety policy, procedure and guidance and must ensure that they take every action to keep themselves and everyone in the school environment safe and well.

This includes taking immediate safety action in a potentially harmful situation (either at school or off-site) by complying with statutory and school guidelines and collaborating with colleagues, agencies and the Local Authority.





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35. Use of alcohol and illegal drugs

The taking of illegal drugs or alcohol during working hours is unacceptable and will not be tolerated. All employees are expected to attend work without being under the influence of alcohol or illegal drugs and without their performance being adversely impacted by the consumption of alcohol or illegal drugs. If alcohol or drug usage impacts on an employee's working life, the school has the right to discuss the matter with the employee and take appropriate action (disciplinary/capability procedures), having considered factors such as the school or Local Authority's reputation and public confidence in the school and the employee.

36. Use of nursery premises, equipment & communication systems

Nursery equipment and systems (phone, email and computers) are available only for school-related activities and should not be used for the fulfilment of another job or for personal use. This is unless authorised by the Proprietor / Manager; in case of an emergency, or where used for brief periods outside of working hours.

This includes photocopying facilities, stationery and premises. It also applies to access provided for remote use (e.g. hand held portable devices etc.) and to staff working outside of nursery premises and using their own IT equipment.

Illegal, inappropriate or unacceptable use of nursery equipment or communication systems may result in disciplinary action and in serious cases could lead to an employee's dismissal. This list is not exhaustive and includes:

- creating, sending or forwarding any message that would reasonably be considered inappropriate or unacceptable.
- committing or implying commitment to any contractual arrangements.
- accessing, publication or circulation of illegal, offensive, unacceptable, inappropriate or non-work related material.
- any illegal activities.
- posting confidential information about the nursery and / or other employees, children or parents on social networking sites.
- gambling or gaming.
- unauthorised use of school facilities (or employee's personal IT equipment), for personal use during employee's working time.

37. Frequently Asked Questions

Q1. Why do we need to have a Code of Conduct?

A1. It is important that all employees are aware of the standards of behaviour expected by the Senior Leadership Team and that these standards are systematically and fairly applied. Maintenance of those standards will contribute to the nursery fulfilling its statutory responsibility to safeguard and promote the





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welfare of all children. Employees also need to be aware of the potential consequences of not adhering to the Code.

Q2. What happens if I breach the Code?

A2. Failure to observe the code of conduct could lead to action being taken. It is not possible to cover all situations which may occur at work. Nor is it possible to state that any single incident of misconduct will always attract the same penalty, bearing in mind such factors as mitigation, previous conduct and personal circumstances.

Q3. I have become involved in a close relationship with a team member who I manage. Can I continue with my normal management role?

A3. You should not be involved in any disciplinary, appraisal or any other employment decision for an employee with whom you have a personal relationship. You also need to be aware that professional boundaries must be maintained. If there is any disruption in the workplace or obvious favouritism, action could be taken under the appropriate procedure. If you have any doubts, please contact your manager / Proprietor / Manager for advice.

Q4. I work with vulnerable children/students who can display extreme behaviours. How should I deal with such a situation?

A4. Initially you should try to diffuse the situation. If this is not possible then you may need to consider physical intervention. Any physical intervention should be based upon a risk assessment (either formal or 'dynamic', i.e. on the spot) and be in the child/student's best interests. It must be reasonable, proportionate and considered absolutely necessary. If physical intervention is used, you must record and report the situation as soon as possible.

Q5. I use social networking sites a lot in my own time but am regularly contacted to be a 'friend' by parents from nursery. What should I do?

A5. You need to check your security settings to make sure only those people you wish to have access to your web pages can see them. You should decline the 'friends' requests of parents and maintain a strictly professional working relationship. If you are unsure, you should speak with your Manager.

Q6. I often let off steam via Facebook about my day at work. What business is this of the nursery?

A6. There would potentially be damage to the nursery reputation as members of the public can access and view this. The comments could be identified with harassment if named people are linked to the nursery. This could result in allegations of misconduct.

This policy was adopted in	Signed on behalf of the nursery	Date for review
June 2020		June 2021

