Staff Code of Conduct Policy

Earlham Nursery School

Approval

This policy has been reviewed in line with the 2010 Equality Act and Public Sector Equality Act. Due regard has been given to Equality.

This policy was reviewed and approved in **September 2026**. The date of the next formal review will be **September 2027** and every year thereafter, unless statutory legislation changes.

Policy approved by the ***Full Governing Board*** of Earlham Nursery School.

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Aim of this code of conduct

Earlham Nursery School expects all pupils to receive high-quality teaching and learning in a positive and respectful environment.

Employees at the school should ensure that their own behaviour, and the manner in which they conduct themselves with colleagues, pupils, parents and other stakeholders, sets a positive and professional example for pupils.

We recognise that the majority of staff members act appropriately and treat each other with dignity and respect; however, we consider it important to clarify the expected standards.

Any failure to follow this staff code of conduct may result in disciplinary action.

This document applies to staff members who are:

- Employed by the school, including the headteacher and volunteers.

This document does not apply to:

- Peripatetic staff members who are centrally employed by the LA.
- School catering staff employed by Norse.
- Employees of external contractors.

These employees are governed by their employment contracts and any relevant laws pertaining to their activities within the school, for example, the UK GDPR and the Data Protection Act 2018.

1. Professional behaviour and conduct

Staff are expected to demonstrate consistently high standards of personal and professional conduct such that public confidence in their integrity is sustained.

Staff will:

- Have proper and professional regard for the ethos, policies and practices of the school.
- Maintain high standards in their attendance and punctuality.
- Take care of themselves and others affected by their activity at school.
- Cooperate with school leaders in meeting their duties under the relevant regulations.
- Treat pupils, parents, colleagues and external contacts with dignity and respect.
- Observe proper boundaries appropriate to their professional position, showing tolerance of and respect for the rights of others.
- Inform the headteacher if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution.
- Be aware that professional behaviour and conduct is expected to be extended to extracurricular trips and visits.
- Act appropriately in terms of the views they express – in particular, political views – and the use of school resources at all times.
- Adhere to the Teachers' Standards.

- Staff will not:

- Use foul or abusive language.
- Perpetrate discrimination, bullying, harassment, or intimidation, including physical, sexual and verbal abuse.
- Misuse or misrepresent their position, qualifications, or experience.
- Seek to bring the school into disrepute.
- Undermine fundamental British values, including democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.

2. Safeguarding pupils

In accordance with 'Keeping children safe in education 2025' (KCSIE), staff have a responsibility to safeguard pupils by:

- Providing help and support to meet the needs of pupils as soon as problems emerge.
- Protecting pupils from maltreatment, whether that is within or outside the home, including online.
- Preventing the impairment of pupils' mental and physical health or development.
- Ensuring that pupils grow up in circumstances consistent with the provision of safe and effective care.
- Taking action to enable all pupils to have the best outcomes.

To effectively safeguard pupils, staff are required to follow the procedures outlined in this Staff Code of Conduct, the Behaviour Policy, the Child Protection and Safeguarding Policy, and the Children Missing from Education Policy.

All staff must ensure that they do not act in a way that may put pupils at risk of harm, or lead others to question their actions. Staff should also be aware of the role of the DSL and when to contact them

In accordance with the school's Behaviour Policy and Child Protection and Safeguarding Policy, staff will be prepared to identify pupils who may be subject to, or at risk of, various types of abuse, neglect and exploitation including, but not limited to, the following:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect
- Child-on-child abuse
- Child criminal exploitation (CCE)
- Child sexual exploitation (CSE)
- Domestic abuse
- FGM
- Serious violence

Staff will also be expected to understand that mental health problems can, in some cases, be an indicator that a pupil has suffered or is at risk of suffering abuse, neglect or exploitation.

Copies of policies and a copy of Part one (or, where appropriate Annex A for staff not working directly with children) of KCSIE will be provided to staff at induction. Staff will have a clear understanding of the school's policies and procedures with regards to safeguarding issues, e.g. abuse, and the important role they play in preventing harm against pupils.

In accordance with the school's Child Protection and Safeguarding Policy, staff will also be aware of the factors that could increase a pupil's risk of being subject to safeguarding issues, including but not limited to:

- Pupils who need a social worker (Child in Need and Child Protection Plans).
- Children absent from education, particularly if on repeat occasions and/or long periods of time.
- Elective Home Education (EHE).
- Pupils requiring mental health support.
- LAC, PLAC and care leavers.
- Pupils with SEND or health issues.
- Pupils who identify as or are perceived to be LBGTQ+.

If a member of staff has any concerns about a pupil's welfare, they will act on them immediately. They will follow the necessary reporting and referral procedures outlined in the Child Protection and Safeguarding Policy and speak to the DSL. Staff will be aware of the procedures to follow if a pupil tells them they are experiencing abuse, exploitation, or neglect.

In all cases, if a member of staff feels unsure as to whether an incident or pupil would be classed as a safeguarding concern, they will speak directly to the DSL. Staff will not assume a colleague will take action and share information that might be critical in keeping children safe.

Staff will recognise, acknowledge, and understand that even if there are no reports of child-on-child abuse in the school, this does not mean it is not happening. Staff will understand the scale of harassment and abuse and challenge inappropriate behaviours between peers that are abusive in nature and report any concerns regarding any form of abuse to the DSL without undue delay.

Any member of staff that has concerns about another staff member's actions or intent or believes these actions may lead to a pupil being put at risk of harm, will report this in line with the Allegations of Abuse Against Staff Policy or Whistleblowing Policy immediately so appropriate action can be taken. This includes if the staff member in question is a volunteer, supply staff or an individual using school premises to host extra-curricular activities.

If the concern is regarding the headteacher, staff will report this to the chair of the governing board.

If a member of staff feels unable to raise an issue with the school, they will use other whistleblowing channels, including contacting the NSPCC's helpline on 0800 028 0285 (between the hours of 8:00am and 8:00pm Monday to Friday) or email address help@nspcc.org.uk. Staff can also access guidance at www.gov.uk/whistleblowing. Fear about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare of pupils.

Staff will undergo safeguarding and child protection training at induction. This will include training around online safety, particularly concerning the understanding of roles and responsibilities in relation to filtering and monitoring, in line with the filtering and monitoring standards. This training will be updated at least annually to continue to provide staff members with relevant skills and knowledge to safeguard children effectively.

Staff will recognise that, when teaching pupils about safeguarding and online safety, a one-size-fits-all approach may not be appropriate for every pupil, and a more personalised or contextualised approach may be needed for pupils who are vulnerable, victims of abuse and/or have SEND.

Staff will be aware of their local early help process and understand their role in it.

Staff will reassure victims that they are being taken seriously and that they will be supported and kept safe by the school. They will never give the impression that pupils are creating a problem by reporting abuse, sexual violence or sexual harassment, nor should a pupil ever be made to feel ashamed for reporting an incident.

Staff will know how to manage the requirement to maintain an appropriate level of confidentiality, involving those who need to be involved, but will never promise a child that they will not tell anyone about a report of any form of abuse, as this may ultimately not be in the best interests of the child.

3. Appearance and dress

The school expects that staff will:

- Ensure that their appearance is clean and neat when at work or representing the school.
- Dress in a manner that is appropriate to their role – the school will make reasonable adjustments to expectations to suit disabilities, medical conditions, and religious and cultural beliefs.
- Not wear clothing that could have implications for the health and safety of themselves, or others in their care.
- Remember that they are role models for pupils, and that their dress and appearance should reflect this.
- Not dress in a way that would cause embarrassment to pupils, parents, colleagues, or others.
- Ensure that, if visible, tattoos do not cause offence to others; if tattoos are likely to cause offence, they must be covered up whilst in work.

- Ensure that jewellery and piercings are minimal and, in the health and safety interests of both staff and children, avoid anything that could catch or be caught by pupils.
- Ensure that clothes do not display any offensive or political slogans.

4. Attendance

The school expects that staff will:

- Attend work in accordance with their contract of employment and associated terms and conditions in relation to hours, days of work and holidays.
- Comply with the school's notification of sickness absence procedures.
- Make routine medical and dental appointments outside of their working hours or during holidays where possible.
- Refer to the school's Staff Leave of Absence Policy if they need time off for any reason other than personal illness.
- Follow the school's absence reporting procedure when they are absent from work due to illness or injury.

5. Conduct outside of work

Staff may undertake work outside school, either paid or voluntary, provided that it does not conflict with the interests of the school. This work must be outside their school working hours and must not negatively impact their work for the school.

Staff will not engage in outside work which could seriously damage the reputation and standing of the school, the employee's own reputation, or the reputation of other members of the school community. Staff will also not engage in outside work at a level which may contravene The Working Time Regulations 1998 or affect an individual's work performance.

Staff committing offences that involve violence, possession or use of illegal drugs, or sexual misconduct is unacceptable, and will be dealt with in accordance with the school's Disciplinary Policy and Procedure.

Staff will not engage in inappropriate use of social network sites which may bring themselves, the school, school community or employer into disrepute. This is explored further in the Acceptable use of technology section of this policy.

6. Smoking, e-cigarettes, alcohol and other substances

Staff will not smoke or vape on, or around the school premises and whenever in the sight of pupils, parents or visitors unless in a designated smoking area.

Staff will not smoke or vape whilst working with or supervising pupils off-site, such as when on educational visits and trips.

Staff will report for work and remain in a condition to perform their duties free from the effects of drugs, alcohol or any other substances that may hinder judgement and cause changes in behaviour; this does not include over-the-counter painkillers such as paracetamol.

Staff will adhere to the provisions outlined within the Staff Drug and Alcohol Policy.

7. Health and safety

Staff will:

- Be familiar with, and adhere to, the school's Health and Safety Policy and ensure that they take every action to keep themselves and everyone in the school environment safe and well.
- Comply with health and safety regulations, adhering to any rules, routines and procedures in place, and cooperate with school leaders and colleagues on matters relating to health and safety.
- Use the correct equipment and tools for the job and any protective clothing supplied.
- Inform the headteacher of any paid work which is undertaken elsewhere, for compliance with The Working Time Regulations 1998 (as amended).
- Adhere to their common law duty to act as a prudent parent would when in charge of pupils.

8. Conflicts of interests

The school is aware that situations may arise where family interests or loyalties conflict with those of the school; however, staff have an obligation to act in the best interests of the school community to avoid situations where there may be a potential conflict of interest.

All staff will be able to demonstrate that they do not have a vested interest in any decision-making or budget spending. All declarations will be submitted in writing to the headteacher for inclusion on the school's Declared Conflicts of Interest Register.

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 contact the school or trade union.

Any member of staff found to be withholding information about a conflict of interest will be subject to disciplinary action in line with the Disciplinary Policy and Procedure.

Staff and volunteers will be responsible for:

- Following the provisions outlined within the school's Conflict of Interests Policy.
- Declaring any conflicts of interest.
- Acting in accordance with this policy at all times.
- Identifying any conflicts of interest that have not been previously declared.
- Following the school's Whistleblowing Policy where there are concerns that a conflict of interest has not been declared, and an individual might have subsequently benefitted.
- Informing the headteacher of any relatives who may have a declarable interest.
- Consider whether they need to declare their relationship with any individual where this might cause a conflict with school activities.

Membership to a trade union or staff representative group does not need to be declared.

Financial inducements

Staff will:

- Familiarise themselves and comply with the school's financial regulations.
- Declare to the governing board, in writing, any gifts received, with the exception of:
  - Low cost, functional items suitable for business rather than personal use and displaying the supplier's logo – these items may be accepted.
  - Non-excessive gifts offered by parents or pupils to school staff to express their gratitude, but staff members should always refuse monetary gifts.
  - Hospitality in the form of meals and drinks where it is part of a normal business meeting.

- Authorised visits to exhibitions, demonstrations, conferences, business meals and social functions in connection with the school's business, which shall be at the school's expense.

- Not accept a personal gift, payment, or other incentive from a business contact – any such gifts should be returned.
- Declare any gift that cannot be returned to the governing board, who will decide how it will be used.
- Only accept offers to specific events after authorisation from the governing board.

Contacts

Staff members will not use school business contacts for acquiring materials or services at trade/discount prices for non-school activities, unless participating in concessionary schemes arranged by trade unions or other such groups.

9. Maintaining professional relationships with pupils

The school expects that staff will:

- Maintain professional boundaries and relationships with pupils at all times, and will consider whether their actions are warranted, proportionate, safe and necessary.
- Act in an open and transparent way that would not lead to others questioning their actions.
- Ensure that they do not establish social contact with pupils for the purpose of securing a friendship, or to pursue or strengthen a relationship.
- Ensure that they do not develop personal or sexual relationships with pupils: this includes sexual remarks and discussing their own sexual relationships with, or in the presence of, pupils.
- Only contact pupils via the school's established mechanisms: personal phone numbers, email addresses or social media platforms will not be used to contact pupils.

Staff are aware that they must not:

- Discuss personal information with pupils, such as concerning their lifestyle or marital status, unless it is directly relevant to the topic being taught.
- Correspond in a personal nature through any medium with pupils, e.g. phone calls or text messages, unless it is within the staff member's role and via an approved communication method, e.g. school emails.
- Adopt an ongoing support role beyond the scope of their position.
- Use personal equipment for approved activities, such as a personal camera, unless approved in writing by the SLT, and will not photograph, audio record or film pupils without authorisation from the SLT and consent from the pupil's parent.
- Save images, videos or audio recordings of pupils on personal devices, unless authorised by the SLT or parents.
- Upload images, videos or audio recordings of pupils to any location without consent from parents and the SLT.
- Discuss or share information regarding other pupils or members of staff; staff should be aware of their surroundings when speaking to others, as their conversations may be overheard.
- Ignore instances of sexual harassment and inappropriate behaviour amongst pupils.
- Invite or allow pupils to visit their home.
- Allow pupils to access staff members' personal devices.
- Attend pupils' homes or their social gatherings, unless approved by the SLT.
- Be alone with a pupil outside of teaching responsibilities, unless approved by the SLT.
- Enter changing rooms or toilets occupied by pupils, when supervision is not required or appropriate, use toilet facilities allocated to pupils, or undress in facilities intended for use by pupils.
- Not transport a pupil unless in line with the Driving at Work Policy.

- Carry out one-to-one tutoring, mentoring or coaching of pupils, unless approved by the headteacher or SLT.
- Give personal gifts or special favours, or disproportionately single specific pupils out for special duties or responsibilities.
- Offer overnight, weekend or holiday care as a respite to parents without the approval of the headteacher.

Under the Sexual Offences Act 2003, it is an offence for a person aged 18 or over to have a sexual relationship with a child under 18 where that person is in a position of trust in respect to that child, even if the relationship is consensual.

Where inappropriate contact is made with pupils, this will be raised with the headteacher, and handled in line with the school's Child Protection and Safeguarding Policy and Staff Code of Conduct.

If a pupil is consistently attempting to befriend or contact a member of staff on social media, the member of staff will inform the headteacher as soon as possible.

Staff are strongly discouraged from forming personal relationships with former pupils, including on social media, as well as with the parents of any pupils on social media.

In the event of the school becoming aware of a close relationship between a member of staff and a former pupil which may raise concerns about their suitability to work with children, the headteacher will contact the LA designated officer (LADO) for advice and guidance.

Any inappropriate contact made with former pupils will be handled in line with the Child Protection and Safeguarding Policy and Staff Code of Conduct.

Appropriate language

Staff will be informed that pupils should not be treated as friends. Staff will not:

- Use inappropriate names or terms of endearment.
- Allow inappropriate conversations or enquiries of a sexual nature to occur.
- Comment on a pupil's appearance, including personal flattery or criticism.
- Treat pupils disrespectfully or discriminatorily, based upon their perceived or actual protected characteristics.
- Subject pupils to humiliation, profanity, or vilification.
- Allow or partake in suggestive humour, banter, jokes or innuendos of a sexual nature.
- Use obscene or inappropriate gestures and language.
- Partake in personal conversations, including on the phone, where this may be overheard by pupils.

10. Physical contact with pupils

All staff members will respect the personal space and privacy of all pupils and will avoid situations which unnecessarily result in close physical contact.

The school understands that there are circumstances in which it is entirely necessary for staff to have physical contact with pupils, e.g. when applying first aid and assisting with intimate care, but staff will only do so in a professional and appropriate manner in line with relevant school policies.

When physical contact is made with pupils, it is imperative that it is conducted in a way which is responsive to the pupil's needs, is of limited duration and is appropriate to their age, stage of development, gender, and background.

Staff will seek the pupil's permission, where possible, before initiating contact.

Staff will always use their professional judgement when determining what physical contact is appropriate, as this may differ between pupils, and ensure that the pupil's feelings and wishes are always taken into account.

Staff will never touch a pupil in a way which is indecent and will be aware that even well-intentioned physical contact may be misconstrued by a pupil, an observer or by anyone to whom this action is described and, therefore, will always be prepared to explain their actions.

Staff will not engage in rough play, tickling or play fights with pupils.

Physical contact will never be secretive; if a member of staff believes an action could be misinterpreted, this will be reported to the headteacher, or the chair of governors if the concern is about the headteacher, and appropriate procedures will be followed.

Where it is necessary in PE classes for teachers to demonstrate use of equipment, this will be conducted with another member of staff if possible. If a pupil is required to participate, their consent will be given before doing so.

If a pupil is in distress and in need of comfort as reassurance, staff may use age-appropriate physical contact, such as placing their hand on the pupil's shoulder. Staff will remain self-aware of their actions at all times and ensure that their contact is not threatening, intrusive or subject to misinterpretation.

The school acknowledges that situations may arise in which staff members will be required to use physical intervention, and in some cases reasonable force, in order to manage conflict, disruption and distressed behaviour when other measures have failed to do so. In these cases, staff will ensure that actions such as safe touch and reasonable force are used in a correct and safe manner, in accordance with the relevant legislation and national guidance and in line with the schools Physical Intervention Policy. In all interactions with pupils staff will always behave and act in a respectful and professional manner and staff will be aware that extra caution and consideration may be needed where it is known that a pupil has previously suffered from abuse or neglect.

11. Sexual harassment

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has a purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It also includes treating someone less favourably because they've submitted or refused to submit to unwanted conduct of a sexual nature in the past, or harassment related to sex or gender reassignment. When this behaviour is unwanted, it includes (but isn't limited to):

- Unwanted physical conduct or 'horseplay' including touching, pinching, pushing and grabbing
- Continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome
- Sending or displaying material that is pornographic, or that some people might find offensive
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- Offensive emails, text messages or social media content
- Comments and jokes of a sexual nature
- Sexually suggestive looks and staring
- Sexual propositions and advances
- Promising things in return for sexual favours
- Physical contact such as massaging, hugging or kissing
- Sexual contact on social media

Staff will help create a positive environment that works to prevent sexual harassment. This includes reporting any sexual harassment that they witness. All witnesses will be provided with appropriate support and will be protected from victimisation.

If a staff member is concerned at any point about incidents of sexual harassment (either directed at them or someone else), they should report their concern to the headteacher. If the concern is about the headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the designated staff member. The school will investigate any complaints in a timely, respectful and confidential manner.

All staff will receive training on recognising and responding to incidents of sexual harassment. The school will monitor the treatment and outcomes of any complaints of sexual harassment or victimisation received to make sure that they are properly investigated and resolved. The school will ensure that they take reasonable steps to prevent sexual harassment in the school environment, and undertake risk assessments and action plans to put preventative measures in place.

12. Showering and changing

Staff will ensure that pupils are afforded respect and privacy whilst they are changing, e.g. before and after PE; however, a level of supervision is required to ensure that pupils are safe, and that they are not subjected to bullying.

The supervision will be appropriate to the needs and ages of the pupils, and sensitive to the potential for embarrassment.

Staff will adhere to the appropriate policies and risk assessments, e.g. PE risk assessment and ensure that appropriate supervision and support is given to all pupils, including those who may need assistance with showering and changing.

Where possible, female staff will supervise girls and male staff will supervise boys.

Staff will announce their intention of entering the changing room to allow pupils to maintain their privacy and will only remain in the changing room for as long as is necessary.

Staff will never change or shower in the same area as pupils.

13. Transporting pupils

Staff are aware that the safety and welfare of pupils is the responsibility of the school until pupils are with their parents. The school is committed to taking all possible safety measures to ensure the safety of pupils.

When it is necessary to transport pupils off-site, staff will gain consent from parents before transporting pupils and adhere to the appropriate school policies and risk assessments, such as the Driving at Work Policy, and the Safer Working Practices Policy.

Staff will ensure that they:

- Hold a full valid driving licence for the category of vehicle being driven and providing their licence details to the headteacher where required.
- Drive in accordance with the laws of the road and Highway Code.
- Check before each journey that the vehicle is roadworthy, e.g. tyres are properly inflated and meet legal requirements.
- Ensure that they are fit to drive; where their fitness to drive may be impaired, e.g. due to a medical condition or taking medication, they inform their line manager as soon as possible and notify the DVLA where required.
- Notify the headteacher where there is any change in their circumstance in relation to driving at work, e.g. if they acquire penalty points on their licence for motoring offences outside of work.
- Staff will only use their own vehicle to transport pupils where there is no practical or reasonable alternative, and where agreed upon by the headteacher and parents in advance of the journey. Only members of staff with the appropriate level of DBS check and safeguarding and behaviour management training will be permitted to transport pupils.

When using their own vehicle to transport pupils, staff will ensure that their driving insurance is valid for the purposes of business use, including cover for persons travelling as business passengers.

Two or more staff will be present in the vehicle to avoid any discrepancy regarding safeguarding concerns.

Staff will not offer pupils transport outside of their normal working duties, other than in an emergency or if a pupil is at risk. These circumstances will be recorded and reported to the headteacher and the pupil's parents.

14. Acceptable use of technology

Staff are aware of the benefits and challenges associated with using technology in school. When using technology staff will always adhere to the various procedures, freedoms and limitations outlined in the relevant school policies, which include but are not limited to:

- Online Safety Policy

All staff will maintain a professional level of conduct in their personal use of technology, and read, sign, and adhere to the school's Technology Acceptable Use Agreement.

Staff will be aware of how the use of technology can impact safeguarding and wellbeing issues, e.g. online abuse.

Staff will be vigilant to ensure their own behaviour is respectful and that pupils are using technology appropriately while under their care.

Personal devices

Personal devices are used in accordance with the provisions outlined in the policies above and within the Staff ICT and Electronic Devices Policy and the Device User Agreement. Any personal electronic device that is brought into school is the responsibility of the user.

Personal devices are not permitted to be used in the following locations:

- Classrooms

Staff are not permitted to use their personal devices during lesson time, other than in an emergency.

Staff are not permitted to use their personal devices to take photos or videos of pupils.

Social media

Staff will be aware that their conduct on social media can have an impact on their role and reputation within the school.

Staff will remain mindful of their use of social media and their web-based presence including written content, videos or photographs, and views expressed directly or indirectly which may bring themselves, the school, or the school community into disrepute.

Staff are required to employ the highest security settings on any personal profiles they may have.

Staff will not engage in inappropriate use of social networking sites including contacting pupils or their family members, accepting or inviting friend requests from pupils or their family members, or following pupils or their family members on social media.

The school understands that some staff are also parents of pupils at the school and, therefore, may wish to contact other parents. When doing so, staff will exercise their professional judgement and will not contact family members on social media if this would lead to a conflict of interest.

15. Photography, images and videos

All staff will act in accordance with the school's Photography and Images Policy.

Photographs, images and videos will only be taken using school equipment – using personal mobile phones for this purpose is prohibited and taking images of pupils will not be taken for personal use.

Staff will ensure that imagery and videos will be kept in an appropriate and secure place in school.

No pupil will be photographed in a state of undress or semi-undress, or in a situation which could be considered as indecent or sexual.

Staff will not take images of a pupil's injury, bruising or similar (e.g. following a disclosure of abuse), even if they have been requested to do so by children's social care and staff members will not make audio recordings of any disclosure made by a pupil.

Consent for taking photographs will be obtained from parents, or the pupil themselves, if they are deemed old enough and able to make the decision for themselves.

The age of consent that is legislated is 13 and above; however, this is only applicable for online services provided directly to children. For everything else, an appropriate age of consent is considered on a case-by-case basis by the DPO, headteacher and a pupil's parents (where appropriate).

Pupils who have not provided consent, either personally or via their parents, to have their photograph taken or be filmed will have their wishes respected, in line with the Photography and Images Policy.

The headteacher will be notified of the proposed use of the imagery or video and the equipment and ensure that the use of such is included in lesson plans where this is necessary.

All photographs and videos will be available for scrutiny, and staff will be prepared to explain and justify the images or footage taken.

Careful consideration will always be given to the activities which are being filmed or photographed, to ensure that images or videos are not indecent and cannot be misused.

16. Premises, equipment and communication

Staff are responsible for:

- Being aware of and following the requirements of the School Security Policy.
- Securing windows and doors when rooms are not in use.
- Ensuring that visitors sign in and out at the school office.
- Challenging any unidentified individuals and notifying the headteacher of any unauthorised person.
- Securing valuable equipment after use.
- Ensuring the security of school equipment when taken off the school premises, such as laptops.
- Accessing the school premises in accordance with the school's Key Holder Policy.
- Acting in accordance with the school's Data Protection Policy and Data and Cyber-security Breach Prevention and Management Plan, ensuring that data and information is secure.
- Reporting any minor security concerns to the headteacher.
- Reporting major security concerns directly to the police or emergency services, where appropriate.
- Carrying their school ID with them at all times.
- Being responsible for the security of any of their own property that they bring to the school site.

School equipment and systems are available only for school-related activities and will not be used for the fulfilment of another job or for personal use, unless specifically authorised by the headteacher. Illegal, inappropriate, or unacceptable use of school equipment or communication systems may result in disciplinary action and, in serious cases, could lead to an employee's dismissal.

Employees receiving inappropriate communication or material, or who are unsure about whether something they propose to do might breach this policy, should seek advice from the headteacher.

The school reserves the right to monitor emails, phone calls, internet activity or document production on school-owned equipment, principally in order to avoid offensive or nuisance material and to protect systems from viruses, but also to ensure proper and effective use of systems.

Communication systems may be accessed when the school suspects that the employee has been misusing systems or facilities, or for the investigation of suspected fraud or other irregularity. Access will be secured by the systems manager, only with the permission of the governing board.

Passwords should not be shared and access to computer systems must be kept confidential except on the express request of the headteacher or systems manager. Breaches of this confidentiality may be subject to disciplinary action.

School equipment that is used outside the premises, e.g. laptops, will be returned to the school when the employee leaves employment or if requested to do so by the headteacher.

17. Data protection and confidentiality

All staff will be aware of their responsibilities as laid out in the schools Data Protection Policy and in line with the core principles of the UK GDPR and the Data Protection Act 2018.

Staff members will not disclose sensitive information about the school, its employees, or the LA to other parties. The only exception to this being when the confidential information gives rise to concerns about the safety or welfare of a pupil.

Staff members have the right to request access to data that is held about them. Such requests will be made to the headteacher in writing in accordance with the school's Data Protection Policy and Records Management Policy.

Staff will ensure that:

- Confidential paper records are kept in a locked filing cabinet, drawer or safe, with restricted access, and will not be left unattended or in clear view anywhere with general access.
- Implement a 'clear desk policy' to avoid unauthorised access to physical records containing sensitive or personal information.
- Memory sticks are not used to hold personal information unless they are password-protected and fully encrypted.
- They will not use their personal laptops or computers for school purposes. All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.
- When sending confidential information staff will always check that the recipient is correct before sending.
- They involve the DPO in all data protection matters closely and in a timely manner.

If staff and governors need to use their personal laptops for school purposes, particularly if they are working from home, they will bring their device into school before using it for work to ensure the appropriate software can be downloaded and information encrypted.

Before sharing data, all staff will ensure:

- They are allowed to share it.
- That adequate security is in place to protect it.
- Who will receive the data has been outlined in a privacy notice.

Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices

under lock and key. The person taking the information from the school premises accepts full responsibility for the security of the data.

When pupils and staff join the school, the staff member or pupil (or, where appropriate, pupil's parent) will be required to complete a consent form for personal data use. This consent form deals with the taking and use of photographs and videos, amongst other things. Where appropriate, third parties may also be required to compete a consent form.

The school holds the right to take the necessary disciplinary action against a staff member if they believe them to be in breach of the above security measures.

18. Probity of records

The deliberate falsification of documents, such as references, academic qualifications, or legal documents, is unacceptable. Where a staff member falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence.

19. Misconduct

There are two categories of misconduct - gross misconduct and general misconduct, which are described in greater detail below.

Gross misconduct

This means that the employee does something that the Governing Board/Trust is entitled to regard as a fundamental breach of the employee's contract of employment. If an employee did something like this, the Governing Board could not allow them to remain at work.

Any employee suspected of committing an act of gross misconduct may be suspended, with full pay (making the decision to suspend is subject to considerations by the Headteacher/decision maker to determine if suspension is necessary). If, after proper investigation, under the disciplinary procedure, it was decided that the employee had committed an act of gross misconduct, they would be summarily dismissed without further warning, unless there were exceptional mitigating circumstances.

Examples of gross misconduct

The list below is not intended to be exhaustive and offences of similar seriousness would receive the same treatment:

- Failure to comply with the duty to report known cases of Female Genital Mutilation (FGM) in under 18 year old girls. Read procedural information on Mandatory reporting of female genital mutilation on gov.uk.
- Serious breach of the '*Guidance for safer working practice for those working with children and young people in education settings'*. Read the guidance document.

Examples include:

- abusing the position of trust, such as using status and standing to form or promote relationships which are of a sexual nature or may become so.
- sexual contact, such as any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative.
- physical contact, such as assault on a pupil.
- accessing inappropriate images using the school's equipment or misuse of images of pupils.

- Dishonesty
  Examples include:

  - theft of property belonging to the school, contractor, partner organisation, other employees, parents/carers, pupils or persons in the school's care during the course of their employment. This could include abuse of a position of trust by receiving money or gifts from vulnerable service users.

  - deliberate falsification of timesheets, expense claims, claims for financial gain.

  - demanding or accepting monies or other consideration as an inducement for the use of the school's property, placing of orders/contracts contrary to established financial procedures or the showing of favour on behalf of the school.

  - acceptance of any gift or reward for the performance of official duties unless specifically authorised by the Headteacher or regarded by them as appropriate in the circumstances.

  - false, malicious or frivolous allegations or disclosures (whistleblowing).

  - false statements made when applying for appointment, especially, but not exclusively, in respect of qualifications which are a stated requirement of employment or which result in financial gain.
  - false statements made or failing to declare information that is required by statute and, through that, gaining an advantage e.g. shared parental leave and pay, childcare (disqualification) regulations 2009 etc.
  - failure to disclose unspent criminal convictions (or, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1975, any conviction, irrespective of whether spent or not and whether incurred before or after appointment). This could include police cautions which form part of a criminal record.
  - failure to notify the Headteacher of a criminal charge or conviction that happens while employed by the school, irrespective of whether it occurs on or off duty. This will not normally affect employment unless the offence could damage public confidence in the school or make employment unsuitable or untenable.
  - covert recording of any meetings or proceedings, including disciplinary and grievance hearings and appeals.

- Deliberate and significant refusal to carry out a reasonable, lawful, and safe instruction or the normal duties of the post which constitute a fundamental feature of the job particularly, but not exclusively, where this causes a risk to the safety of others or has a negative impact on the education of pupils.
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- Gross negligence – a serious failure to exercise proper skill and/or care, for example misconduct undertaken with actual appreciation of the risks involved and/or serious disregard of, or indifference to, an obvious risk, bordering on recklessness. An example of this could be where an individual employed in a management position fails to fulfil their specific duties as outlined in the Health and Safety Policy to ensure the safety of others.

- Infringements of safety rules or other negligent actions, which place the health and safety of the employee or other persons at serious risk.
  Examples include:

  - smoking in identified 'no smoking' areas containing combustible, inflammable or explosive materials.

  - driving a school vehicle in a reckless manner that leads or could have led to, otherwise avoidable serious injury or death of other persons.

  - being unfit to perform duties satisfactorily as a result of taking alcohol or drugs, not in accordance with medical advice. This would particularly relate to: -

- employees while in charge of machinery, vehicles etc.
- employees who are responsible for pupils, parents/carers or members of the public.

- Wilful unauthorised disclosure of information or misuse of a position of trust in a manner which could be harmful to the school, its pupils, or employees, or for financial or other gain.
  Examples include:

  - the misuse of personal information on employees, pupils or their families etc.
  - a failure to disclose a personal interest where an employee in a position of trust could enable a third party to make gain as a result of the employee's influence.

- Serious misuse of the school's property, including computers, telephones.
  Examples include:

  - inappropriate use of the Internet - see the Social media and electronic communications policy for use of the Internet and social media. Examples of this would include excessive use, accessing, posting (i.e. on Facebook) or downloading pornographic or other unsuitable material, publishing anything that may breach the Equality Act e.g. anything considered sexist, racist, ageist, homophobic or anti-faith, conducting bullying, harassment and victimisation via social networking channels, e.g. posting photographs or offensive or threatening comments about colleagues. Further information can be found in the Discrimination, bullying and harassment policy

    - unauthorised use of software e.g. uploading software in violation of copyright or downloading any software or electronic files.

  - unauthorised access or allowing others unauthorised access.

  - abuse of the facility to use computers for private purposes.

  - sending emails that could be reasonably construed by the recipient as offensive.

  - inappropriate use or excessive use of texts, mobile telephones.

- Acts of violence or vandalism in the course of employment directed towards members of the public, contractors, partner organisations, pupils, parents/carers or employees.
  Examples include:

  - malicious damage to property belonging to others.

  - actual physical violence to or assault of others.

  - physically or verbally abusive or threatening behaviour towards others.

- Sexual misconduct at work, or sexual relationships with people for whom the school has a responsibility of care, by those who have contact with them, in the course of work.
  Examples include:

  - Employees having sex on school premises.

- Unlawful discrimination or acts of victimisation or harassment on grounds of race, gender, disability, sexual orientation, age, religion or any other grounds. When investigating a racist incident, the Governing Board/Trust will take as its starting point the Home Secretary's recommendation in the MacPherson report

(1999) for such an investigation; detailed as follows: *"A racist incident is any incident which is perceived to be racist by the victim or any other person."*

- Acts contravening data protection laws e.g. revealing any information that is confidential to the school or any third party or disclosing personal data or information about any individual, colleague or pupil, which could be in breach of the data protection laws or for a purpose not originally intended or communicated or without permission of the individual (or parent/carer of the individual) to whom it relates, where consent is the legal basis for processing. Disclosure of personal details by a colleague who has information committed to memory (e.g. names of family members, phone number, car registration) may fall outside Data Protection law but not be common knowledge. Detriment may occur if such information were to fall into the wrong hands and determination as to whether the act constitutes gross or general misconduct may hinge on the impact or potential impact on the data subject. Both data processors and data controllers can be held accountable.

  All employees are expected to report suspected data breaches using the breach reporting procedures.

- Abuse of office – Senior employees may have specific contractual obligations to comply with fiduciary duties. Where this is the case, failure to follow these obligations may constitute gross misconduct.
  Off-duty misconduct

  This is behaviour, which in context of the nature of the employment, fundamentally undermines the Governing Board/Trust's confidence or trust in the employee or where there is a real risk of the school being brought into disrepute. This does not relate solely to the reputation of the school, but also to the suitability of the employee continuing in their job if the misconduct relates directly to employment.

  Examples include:

  - any conviction involving drugs or sex
  - a conviction for theft where the employee's job involves handling cash or valuable goods, entering pupils homes or access to sensitive information.
  - any conviction for violent behaviour, for example affray, harassment, assault or criminal damage.
  - inappropriate use of personal web pages and blogs, for example making defamatory remarks about the school, colleagues, pupils, governors or parents, misrepresenting the school by posting false or inaccurate statements about the work of the school, including any information sourced from the school which breaches copyright, publishing any material or comment that could undermine public confidence in them as employees of the school and/or in position of trust within the community,
  - Acts contravening data protection laws: see para above 'off-duty misconduct' for further detail.

All employees are expected to notify their Headteacher (or Chair of Governors/CEO where the employee is the Headteacher) of any convictions incurred whilst employed, whether the offence occurred on or off duty.

General misconduct

Although this would be regarded as serious, it would not be seen as a major breach in employment relationship, and, for a first offence, a warning would normally be sufficient. Some more serious acts of misconduct might justify the issuing of a final warning in the first instance. The main purpose of any action taken by the Governing Board/Trust would be to ensure the employee modifies their future behaviour.

Dismissal would normally only be appropriate where further substantial misconduct occurs beyond a final warning.

4.1 Examples of general misconduct

The list of examples below is not intended to be exhaustive and offences of similar seriousness would receive the same treatment:

- Less significant breaches of the '*Guidance for safer working practice for those working with children and young people in education settings'*. Read the guidance document.

  Examples include:

  - Physical contact, which is non-sexual, non-violent but unnecessary and beyond insignificant.
  - Dress and appearance, such as presenting for work dressed in an inappropriate manner.

- Absenteeism and lateness:

  Examples include:

  - failure to remain at the place of work during school sessions or working hours without sufficient cause for absence (e.g. attendance at official meetings off-site would be justified whilst going to the shops during working hours for a non-work related reason may be deemed misconduct).
  - failure to comply with sickness reporting and absence regulations.
  - failure to attend punctually at school or other place of work.

- Dishonesty:
  Examples include:

  - abuse of the facility to make private telephone calls.
  - sending personal mail at the school's expense.
  - failure to report loss or damage to any property connected with the employment.
  - failure to declare any financial, personal or social interests that could conflict with the school's interests. This includes improper use of position to gain an advantage or to disadvantage the school or any other individual or organisation.
  - failure to report driving offences where such offences may impact on the employment, particularly where driving is a requirement of the job.
  - failure to report a potential conflict of interest, e.g. where there is cohabitation and/or an intimate personal relationship between a manager and an employee who sits under them in the structure, or cohabitation and/or an intimate personal relationship between an employee and anyone with caring responsibilities for a pupil at the school which could result in accusations such as nepotism or favouritism being levelled

- Off-duty misconduct
  Examples include:

- less significant off-duty misconduct, i.e. that which impacts on the employment relationship but does not fundamentally undermine it, for example, inappropriate use of social networking websites that directly affects the employment relationships.

- establishing or seeking to establish social contact with students for the purpose of establishing a friendship, relationship or strengthening a relationship through social media or any other means of communication.

- acting in an inappropriate manner towards children to such an extent that it could affect an employee's suitability to work with children, for example, physical violence against children.

- Misconduct which raises safeguarding concerns

This includes allegations of abuse that may relate to a person who works/volunteers with children who has:
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- behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Where allegations of abuse are made or safeguarding concerns are raised, which meet the harm threshold, the Norfolk Local Safeguarding Board 'Allegations against persons who work with children' procedure (Section 8.3 of the NSCB policies and procedures manual on the NSCB website) should be followed.

Safeguarding concerns that do not meet this threshold are considered 'low-level' concerns. The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the thresholds as stated above. In Norfolk, the 'low level' concern process is to consult with the Local Authority Education Duty Desk on 01603 307797.

Further information regarding the steps that should be taken in relation to low-level concerns can be found in the *Allegations made against school staff guidance G319a.*

- Other misconduct
Examples include:

- failure to wear protective clothing, use protective equipment or adopt safe working practices where required by law or the Governing Board/Trust and where this impacts on the employee only (as any failure that impacts on others would be considered as negligence or gross negligence).

- negligent use of school's property in such a way as is likely to cause serious damage or loss.

- unauthorised use of protective clothing, uniform, or other comparable items of the school's property while off duty.

- employees must not gain personally from business transactions e.g. using a supermarket rewards card to receive points while using a school fuel card.
- failure to comply with the school's policy, procedure and guidance e.g. 'no smoking', 'use of resources e.g. telephones (including mobile), printers, Internet (including Facebook), e-mails, iPods, etc.

- failure to carry out, without good reason, the obligations which the law or the contract of employment place on the employee.

- failure to comply with security guidelines e.g. computers, laptops, memory sticks.
- insubordination and/or failure to carry out a reasonable, lawful, and safe instruction or the normal duties of the post where the impact of the failure is relatively minor.
- negligence – general neglect of duty falling short of gross negligence.
- allowing prejudice or bias to influence decision-making.
- promoting personal political or religious views whilst teaching.

- Inappropriate behaviour towards other people, whether members of the public, pupils, partner organisations, other employees or members of the Governing Board/Trust.
  Examples include:
  - adopting persistently uncooperative or unhelpful attitudes, rudeness, abusive behaviour or offensive language and behaviour involving elements of discrimination, harassment or victimisation.

  In certain circumstances this may constitute gross misconduct.
- Undertaking additional employment, which would be detrimental to the interests of the employer and/or would conflict with the employee's own position, for example the Working Time regulations.

These guidelines do not try to cover every situation. They are an attempt to give an indication of the standards of behaviour or conduct that the Governing Board. Offences of similar seriousness would receive the same treatment.

NOTE: Employees who raise concerns in good faith about work via the Whistleblowing policy are protected from detrimental treatment or victimisation from their employer.