

# Newland House School



## Code of conduct policy

**This Policy applies to all sections of the school including the Early Years Foundation Stage.**

Updated:	October 2018
Updated by:	Designated Safeguarding Leads
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## 1. Background information

- 1.1 This Policy applies to all sections of the school including the Early Years Foundation Stage. This policy will be reviewed every academic year or sooner if changes to legislation, compliance requirements or good practice dictate.
- 1.2 This policy has been drawn from the DfE guidance which was produced by the National Network of Investigation and Referral Support coordinators and the document [Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings \(October 2015\)](#). The guidance recognises that the vast majority of adults working with children in education settings act professionally, seeking to provide a safe and supportive environment to secure the well-being and best outcomes for the young people in their care. Members of staff have a crucial role to play in shaping the lives of young people. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring. This guidance has been produced to help staff establish the safest possible learning and working environments. The aims are to safeguard young people and reduce the risk of staff being falsely accused of improper or unprofessional conduct.

## 2. Underpinning principles

- The welfare of the child is paramount (*The Children Act 1989*).
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Staff should work, and be seen to work, in an open and transparent way.
- Staff should discuss and/or take advice promptly from their Head of Department, Line Manager or a member of the Senior Leadership Team (SLT)<sup>1</sup> over any incident which may give rise to concern.
- Records should be made of any such incident and of decisions made/further actions agreed, in accordance with the school's Data protection policy all staff know that the John Maguire, Assistant Head (Pastoral) and Tracey Chong, Head of Pre-Prep are the Designated Safeguarding Leads (DSL) at Newland House School and are supported by Natalie Parks (Head of Science), Joanna Markham (Pre-Prep Receptionist) and Henrietta Cantouris (Head of Nursery).
- All staff should be familiar with local child protection arrangements and understand their responsibilities to safeguard and protect children. This information is contained in the ***Safeguarding and child protection policy***, which is on the school intranet and on the website.

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<sup>1</sup> SLT comprises the Head, Deputy Head, Head of Pre-Prep, Assistant Head (academic), Assistant Head (pastoral), Finance and Operations Manager, the HR and Compliance Manager and the Admissions and Marketing Manager

- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them. The School's ***Disciplinary Procedure (Conduct)*** is in the ***Staff Handbook*** which is available on the school intranet and contains specific examples of offences which are normally regarded as gross misconduct. ***The Safeguarding and child protection policy*** outlines the school's responsibilities and procedures for reporting to external agencies allegations of practices or behaviour which have put (or may have put) pupils at risk of significant harm.
- The Newland House ***Digital strategy policy*** provides further guidance on safe use of ICT and appropriate use of communication with children and social media.

### 3. Duty of care

- 3.1 All staff have a duty to keep young people safe and to protect them from physical and emotional harm. This duty is in part exercised through the development of respectful, caring and professional relationships between staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgement. Employers have a duty of care towards their employees under the *Health and Safety at Work etc. Act 1974* which requires them to provide a safe working environment for staff and guidance about safe working practices. The Act also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. In this respect, the duty of care towards both staff and children can be demonstrated through the use of these guidelines. An employer's duty of care and the staff duty of care towards children should not conflict.

### 4. Exercise of professional judgement and training

- 4.1 This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight, however, behaviour that is illegal, inappropriate or inadvisable. There will be occasions and circumstances in which staff have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists. The School recognises the importance of appropriate training in informing teachers' professional judgement. The Head is responsible for ensuring that all staff who are new to the school receive training in Safe Working, Child Protection and Acceptable use of ICT as part of the induction process. This training will also include informing staff about behaviour which may constitute serious misconduct, as outlined in the School's ***Disciplinary Procedure (Conduct)***. The DSL are responsible for informing all staff of any substantive changes to policies and guidelines which relate to child protection and safe working via the intranet.

## 5. Power and positions of trust

- 5.1 As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people in education settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Wherever possible, staff should avoid behaviour which might be misinterpreted by others, and report and record any incident with this potential.

## 6. Confidentiality

- 6.1 Members of staff may have access to personal details about pupils in order to undertake their everyday responsibilities. In some circumstances, staff may be given additional highly sensitive or private information. Such information should be treated in a discreet and confidential manner.
- 6.2 Confidential information about a child or young person 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.
- 6.3 There are some circumstances in which a member of staff 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, in accordance with the ***Safeguarding and child protection policy***.
- 6.4 If a member of staff is in any doubt about whether to share information or keep it confidential, he or she should seek guidance from one of the DSLs.
- 6.5 The storing and processing of personal information about pupils is governed by the *Data Protection Act 1998* - see ***Data Protection Policy*** for pupil data.
- 6.6 The booklet ***What to Do If You're Worried a Child is Being Abused (2015)*** contains further guidance on sharing information to protect children and is available online.

## 7. Propriety and behaviour

- 7.1 The [Teachers' Standards \(2011, updated 2013\)](#) for trainee and newly qualified teachers include a section on Personal and Professional Conduct:

- A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.
- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - Having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
  - Showing tolerance of and respect for the rights of others;
  - Not undermining fundamental British values, which are defined as comprising: democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs;
  - Ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

## **8. Gifts**

8.1 A Register of Gifts and Interests is a formal record of hospitality, gifts and donations received by every individual within an organisation. It also allows for the declaration of any possible conflicts of interest while discharging professional duties. The introduction on 1 July 2011 of the main provisions of the Bribery Act 2010 means that the School must have a policy on the declaration of interests by its employees. As a consequence, the School introduced a Register of Interests and Gifts with immediate effect. All staff are required to register their interests, and gifts and hospitality above £100 in value, on the Register. If the cumulative value of a series of small gifts, or hospitality from the same (or connected) source exceeds £200, this too must be registered. If in doubt, either ask for guidance from the Head or simply register the gift(s).

8.2 The appropriate form is available on the intranet under forms.

## **9. Social contact**

9.1 Members of staff should not establish or seek to establish social contact with pupils for the purpose of securing a relationship that involves an inappropriate level of

emotional dependence (on either side) or that would otherwise represent an abuse of the position of trust. Staff are advised that they must not make available their personal details such as home/mobile phone number, home or personal e-mail address to pupils. Internal email/direct messaging systems should be used in accordance with the School's **Digital Strategy policy** for good use.

## **Social Media**

### 9.2 Staff will not

- establish or seek to establish social contact via social media or other form of information communication technologies with pupils.
- have a pupil or former pupil under the age of 18 as a 'friend' to share information with.
- interact with any pupil or former pupil (under the age of 18) on social networking sites.

### 9.3 Should a pupil attempt to join your area on a social networking site you must inform the Head. Parents will be informed if this happens. Further details are available in the **Digital Strategy policy**.

### 9.4 Staff should not put themselves in a position where it might appear that they are showing favouritism to one or more pupils. In particular, be aware that giving presents to individual pupils might raise concerns about 'grooming'. As far as possible, be consistent and transparent in how you reward pupils or otherwise foster teacher-pupil relationships. In addition, be aware of the potential for a pupil to form an unsolicited, emotionally-dependent, attachment to a teacher. In particular, if pastoral interactions with a pupil become inappropriate or difficult, then the relevant Head of Department or, if appropriate, one of the DSL, should be immediately informed and guidance sought. The circumstances should be recorded in writing and, if necessary, a note placed on the child's file.

### 9.5 After Prize Giving in July, Year 6 girls and Year 8 boys are deemed to have left the school.

## **10. Physical contact**

### 10.1 There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role.

### 10.2 A 'no touch' approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of

development, gender, ethnicity and background.

- 10.3 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. Staff should therefore use their professional judgement at all times.
- 10.4 Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, one of the DSLs should be informed of the incident and the circumstances should be recorded in writing as soon as possible and, if appropriate, a copy placed on the child's file.
- 10.5 It is recognised that some children may seek out inappropriate physical contact. In such circumstances staff, should deter the child sensitively by helping them to understand the importance of personal boundaries, and also inform the DSL of the incident.
- 10.6 The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each child. Children with special needs 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.

## **11. Physical education and other activities which require physical contact.**

- 11.1 Some staff, for example, those who teach PE and games, or those who offer music tuition, will on occasions have to initiate physical contact with pupils in order to support a child so that they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise.

## **12. Changing rooms (including shower and toilet areas and drama dressing rooms and backstage areas)**

- 12.1 Young people are entitled to respect and privacy when changing clothes or using the toilet. However, there needs to be an appropriate level of supervision in order to safeguard young people, 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.

- 12.2 When supervising pupils using the changing rooms, staff should place themselves outside the main changing area, such as in the corridor or locker area, and not inside the changing rooms or toilets. Staff should enter the changing rooms, toilets or shower areas only in an emergency or when addressing genuine concerns about a child's safety or welfare.
- 12.3 Members of staff should not use the pupils' toilets during school hours, or when pupils are in the school building. When using external facilities for games and sports or other trips, the time spent in shared public changing rooms or toilets should be kept to a minimum. Where practicable, staff-pupil use of such facilities should be deliberately staggered so as not to coincide.
- 12.4 It is acceptable, where necessary, to check briefly that pupils are not loitering in the changing areas or toilets.
- 12.5 If a member of staff believes their actions in any of these areas could be misinterpreted, one of the DSL should be informed of the incident and the circumstances should be recorded in writing as soon as possible and, if appropriate, a copy placed on the child's file.

### **13. Pupils in distress**

- 13.1 There may be occasions when a distressed pupil needs comfort and reassurance. This may include age appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.

### **14. Behaviour management**

- 14.1 All pupils have a right to be treated with respect and dignity. Corporal punishment is unlawful in all schools. Equally, staff should not use any form of degrading treatment to punish a pupil. Whilst the use of humour can help to defuse a situation, the use of demeaning or insensitive comments towards pupils is not acceptable in any situation and nor is inappropriate 'banter'.
- 14.2 Staff should be aware that the School's ***Anti-bullying policy*** applies to all members of the School community (pupils, parents and staff).
- 14.3 Where a pupil's behaviour causes concern, the school's ***Behaviour and sanctions policy*** should be adhered to. If a member of staff is in any doubt as to the best course of action, he or she should seek further advice from a member of the SLT or one of the DSL.

## 15. Care, control and physical intervention

- 15.1 All members of school staff have a legal power to use reasonable force when absolutely necessary and further details can be found in the ***Behaviour and sanctions policy***.
- 15.2 Staff may legitimately intervene to prevent a pupil 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. Staff should have regard to the health and safety of themselves and others.
- 15.3 Under section 131 of the School Standards and framework 1998, corporal punishment is prohibited in all school and is a criminal offence. Under no circumstances will the threat of corporal punishment be used at Newland House School.
- 15.4 In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported to the Head, or, in his absence, one of the DSL.

## 16. Sexual contact with young people

- 16.1 Any sexual behaviour by a member of staff with or towards a child or young person is both inappropriate and illegal. Children and young people are protected by the same laws as adults in relation to non- consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether the child or young person consents or not.
- 16.2 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. ***Keeping Children Safe in Education (2018)*** defines sexual abuse as: [that which] ‘involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse.. Sexual abuse is not solely perpetrated by adult males. Women can also

commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education.'

- 16.3 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. Staff should be aware that conferring special attention and favour upon a child might be construed as being part of a 'grooming' process, which is an offence.
- 16.4 Staff should avoid any form of communication with a child which could be interpreted as sexually suggestive or provocative such as verbal comments, letters, notes, electronic mail, phone calls, texts, sexting or physical contact.

## **17. One to one situations**

- 17.1 Staff working in one to one situations with children and young people, such as those who provide individual specialist music tuition, may be more vulnerable to allegations. Teachers and others should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure the safety and security needs of both staff and pupils are met.
- 17.2 Where possible, staff should avoid meetings with pupils in remote, secluded areas of school. They should ensure that there is visual access and/or an open door in one to one situations. Should a child become distressed or angry during such a meeting, this must be reported to a member of the SLT and the DSL and a written report detailing the incident kept on the child's file.

## **18. Transporting children**

- 18.1 Staff should not transport pupils in their private cars unless there are exceptional circumstances, for example, a medical emergency. In this situation, staff should ensure that:
- They are alone with a child for the minimum time possible.
  - If practicable, another adult should accompany.
  - The child's parent/carer should be informed as soon as possible.
  - They are aware that the safety and welfare of the child is their responsibility until this is safely passed over to a parent/carer.
- 18.2 If in an exceptional circumstance a member of staff transports a pupil in his/her car, insurance cover is automatically provided through the school's "occasional business use" motor policy. That ensures that motor insurance claims arising whilst a member of staff is using their own car for school business purposes can be settled without

involving their own motor insurer.

- 18.3 For journeys using minibuses, please see the guidance in the School's ***Educational Visits Policy***.

## **19. Educational visits, sports and after school clubs**

19.1 Staff should take particular care when supervising pupils in the less formal atmosphere of a residential setting, after-school activity. During school activities that take place off the school site or out of school hours, a more relaxed discipline or informal dress and language code may be acceptable. However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship, and that they maintain high standards of professional conduct at all times. In particular, it is inappropriate to be tactile with pupils. Any physical contact should be restricted to occasions when it is absolutely necessary (for example: when breaking up a fight between two pupils; dressing a wound; taking a pupil's temperature; or intervening to prevent a pupil from putting themselves in danger; or comforting a pupil in a state of distress) or when playing a contact sport, where the contact should be proportionate and as befits the activity and accounts for any physical mismatches between the staff member and the pupils. Where out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, staff and parents should be informed of these prior to the start of the trip. Where practicable, staff should be accommodated in separate rooms to pupils, with access to separate washing and toilet facilities.

19.2 The following protocols apply on school trips and foreign exchanges involving an overnight stay, including where Newland House School staff are overseeing the hosting of foreign exchange pupils:

- If comforting a pupil in a state of distress, a member of staff should be mindful that physical contact may be misinterpreted by the pupil and should in all cases report any such contact to a colleague at the earliest opportunity.
- Any member of staff who is from time to time prescribed medication by a doctor should inform the doctor of their responsibilities and check whether any side effects might affect their ability to carry out these responsibilities. They should then inform the Head so that a risk assessment can be carried out and any reasonable adjustments made to their working environment or responsibilities while they remain on the course of treatment.
- In addition, the following protocols should be observed in all but emergency situations (for example: fire evacuation, immediate concern for a pupil's safety or state of mind).

- Members of staff should refrain from being in washrooms, changing rooms or toilets when pupils are, or might be, in them in a state of undress. Where it is essential to get a message to or from a boy who is in a washroom, changing room or toilet, the staff member should ask another boy to convey the message.
- Health and Safety arrangements require colleagues/employers aware of their whereabouts, especially when involved in an out of school activity. Staff must be aware of and follow the guidance in the ***Health and Safety policy and the Educational Visits policy***.

## **20. First aid and administration of medication**

- 20.1 Information about pupils with acute allergies and/or medical needs is available on WCBS. An updated list of these pupils is circulated to all academic staff at the beginning of each academic year. In the event of an untrained member of staff finding themselves in an emergency situation requiring urgent medical attention, they should contact 999 immediately and ask for the appropriate emergency service. Newland House School has a number of trained first aiders (see list on the Intranet). Teachers may volunteer to undertake this task but it is not a contractual requirement. Staff should receive appropriate training before administering first aid or medication. In particular, staff who might have to administer Emergency Medication (such as an Autoinjector) should receive appropriate training before leading an off-site visit or trip involving one or more pupils who have to carry Emergency Medication.
- 20.2 Under normal circumstances in school, all medication should be administered by the nominated First Aider. For school trips, explicit parental consent should be obtained before giving any medication to a pupil, even over-the-counter medicines such as paracetamol, ibuprofen or antihistamine. Such consent can be received via the administering medicines form on Firefly.
- 20.3 Should prescription medication be required during a school trip, the member of staff responsible for the trip should obtain a copy of the Medication Form from the School First Aider in advance of the trip.
- 20.4 Further information is available from the ***Administration of Medicines Policy*** which is available on Firefly.
- 20.5 When administering First Aid, wherever possible, staff should ensure that another adult is present, or is aware of the action being taken. The School First Aider and the pupil's parents should always be informed when first aid has been administered.

### **Medication for staff**

20.6 Staff must seek advice from the HR and Compliance Manager if they are taking medication that may affect their ability to care for children (in particular children in the Early Years Foundation Stage). Staff medication must be securely stored at all times. Any medication that needs to be chilled can be kept in the fridge in one of the medical rooms.

## **21. The curriculum**

21.1 Some areas of the curriculum will include or raise subject matter which is of a sexual or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified when planning lessons. Those with less experience should seek guidance from a senior member of staff, such as their Head of Department (HoD).

21.2 The curriculum will sometimes include or lead to unplanned discussion about subject matter of a sexual or otherwise sensitive nature. Responding to pupils' questions will require careful judgement and staff may wish to take guidance before lessons with this potential from a senior member of staff.

21.3 Be aware that such discussions might affect particular pupils more than others (for example, if a pupil has suffered a related traumatic experience). Where a discussion takes a course that makes you feel uncomfortable or appears to make a child feel uncomfortable, report it to your HoD as soon as possible. The circumstances should be recorded in writing as soon as possible and, if appropriate, a copy placed on the child's file.

21.4 Parents have the right to withdraw their children from all or part of any sex education provided (but not from the biological aspects of human growth and reproduction necessary under the science curriculum).

21.5 Further guidance can be found in the ***Sex and relationship education policy***.

## **22. Photography, videos and other creative arts**

22.1 Many school activities involve recording images, which are undertaken as part of the curriculum, extra school activities, for publicity, or to celebrate achievement.

22.2 Using images of children for publicity purposes will require the consent of the parents of the individual concerned. Images should 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 school have access.

- 22.3 Parental agreement to the above is sought when the child starts at the School and parents have the right to alter their consent at any time. The Head's EA keeps a list of those parents who have provided consent and can provide confirmation to staff as required.
- 22.4 Staff need to adhere to the **Digital strategy policy** and the **Digital Image policy** at all times.

## **23. Whistleblowing**

- 23.1 Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. The School has a **Whistleblowing policy** that meets the terms of the Public Interest Disclosure Act 1998.
- 23.2 Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

### **Neutral declaration**

- 23.3 There may be instances when staff have inadvertently breached safeguarding guidelines without meaning any harm and without imposing any danger to the child. In these instances, the staff member should make a neutral declaration to the DSL without fear of any reprimand. Any serious breaches will of course be treated in the normal way.

## **24. Sharing concerns and recording incidents**

- 24.1 All staff should be aware of the school's child protection procedures, including procedures for dealing with allegations against staff. Staff who are the subject of allegations are advised to contact their professional association.
- 24.2 In the event of an incident occurring, which may result in an action being misinterpreted and/or a spurious allegation being made against a member of staff, the relevant information should be clearly and promptly recorded and reported to the Head (or in his absence, the Chair of Governors). Early discussion with a parent or carer could avoid any misunderstanding.
- 24.3 Members of staff should feel able to discuss with their Head of Department or a member of the Senior Leadership Team any difficulties or problems that may affect their relationship with pupils so that appropriate support can be provided or action can be taken.

24.4 All staff have a duty to report any child protection concerns to a DSL, or in his/her absence, the Deputy DSL.

## **25. Disclosure and barring service checks**

25.1 All staff are subject to an enhanced Disclosure and Barring Service check before taking up their position at the School. It is the responsibility of members of staff to inform the Head, in confidence if they are charged with a criminal offence whilst in the employment of the School. Please refer to the ***Recruitment, selection and disclosure policy***.

25.2 All staff must complete a Childcare Disqualification Requirement self-declaration form on appointment and annually at the start of the academic year. Further information is available in Appendix 1.

## **Appendix 1 - Childcare disqualification requirements**

Given that your role involves providing care for pupils under 8, we need to draw your attention to the requirements of the Childcare Act 2006 (the **Act**) and the Childcare (Disqualification) Regulations 2009 (**Regulations**) and the related [DfE statutory guidance, Disqualification Under the Childcare Act 2006 \(DUCA\)](#).

**It is a criminal offence for a school to employ a person to work in connection with the early or later years' provision who is disqualified from doing so under the Regulations. It is also an offence for a disqualified person to provide early or later years' provision or to be directly concerned in its management.**

In order that we can discharge our legal obligations, please could you answer all of the questions in the attached self-declaration form and then sign and date the declaration at the end of the form.

**Should you have any queries about any of the information required or if you wish to discuss any aspects further please do contact the HR and Compliance Manager or the Designated Safeguarding Lead on a confidential basis.**

### **Disqualification by association**

Please note that you may be disqualified if you live in the same household where another person who is disqualified lives (known as "disqualification by association"). Living in the same household has been interpreted as meaning sharing the same living space, including a shared kitchen.

You are therefore, asked to provide information about the members of your household to the best of your knowledge. If you live in a house-share or similar arrangement you are not expected to request this information from anyone with whom you are not overly familiar.

Please do share this explanatory note with members of your household if this would be helpful in explaining the information which is needed and how this will be used by the School.

### **What information do you need to disclose?**

The criteria for which a person will be disqualified from working in connection with early or later years' provision are set out in the Regulations. They include:

- Being barred from working with children (by inclusion on the Children's Barred List);
- Having been cautioned for, or convicted of, certain violent and sexual criminal offences against children and adults;

- Various grounds relating to the care of children, including where an order is made in respect of a child under a person's care.

We have on the form set out the main categories of disqualification. However, should you like further detail about the nature of matters that are covered, please see Table A of DUCA or contact the HR and Compliance Manager on a confidential basis.

### **Spent and filtered convictions**

Due to the nature of your work in the school you are obliged to disclose details of all relevant convictions, including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974, together with details of any relevant cautions, reprimands or warnings issued from 6 April 2007. Please note that you are not required to disclose information which would be "filtered" by the Disclosure and Barring Service (DBS). Details of which offences are filtered are included in the School's Recruitment, selection and disclosure policy.

You should not include information about spent convictions for members of your household. For the avoidance of doubt the School is not asking you to obtain criminal records information about you or anyone else from the DBS. We are asking you to complete the enclosed form to the best of your knowledge only.

### **Data protection**

You are required to provide the information requested in this form so that the School can meet its legal obligations. The School will process personal information in accordance with its Staff Privacy Notice.

It will only be disclosed to specified members of the School's leadership team and our professional advisers in order to satisfy ourselves that you are not disqualified under the Regulations. Although we will retain part 2 of the form for your personnel file, the remainder of the form will only be retained for as long as is necessary and will be confidentially destroyed once the disqualification checks have been completed and noted in the School's Single Central Register (SCR). Where information disclosed required Ofsted notification (see below) then information will be retained until the conclusion of this process. It will then be destroyed.

Where irrelevant information is provided, the School will shred this as soon as possible.

### **Ofsted**

Should you disclose information which appears to disqualify you from working in early or later years' provision then we are required to notify Ofsted.

There may be the option of applying to Ofsted for a waiver of the disqualification. The School's aim is to help staff through this process and also to ensure that an offence is not committed by staff or the School. The School cannot apply for the waiver however; it is a matter for you as an individual but we will seek to support you confidentially during this process. Please do

not complete the form and do speak to us confidentially about any concerns you may have. Guidance from Ofsted is available at <https://www.go.uk/government/publications/applying-to-waive-disqualification-early-years-and-childcare-providers>

### **Ongoing duty of disclosure**

You are required to disclose to the School any change in your circumstances which may result in you becoming disqualified from working in early or later years provision including becoming disqualified by association.