

Guidance on Safe Working Practice for the Protection of Young People and Staff at Wakefield College

April 2010

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Section 1: Overview

1.1. Background

All adults who come into contact with children and young people in their work have a duty of care¹ to safeguard and promote their welfare.

The Children Act 2004, through the Stay Safe outcome of the Every Child Matters Change for Children programme², places a duty on organisations to safeguard³ and promote the well-being of children and young people. This includes the need to ensure that all adults who work with or on behalf of children and young people in these organisations are competent, confident and safe to do so.

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children and young people in their care. However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of adults can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children. It is therefore essential that all possible steps are taken to safeguard children and young people and ensure that the adults working with them are safe to do so.

Some concerns have been raised about the potential vulnerability of adults in this area of work. It was suggested that there was a need for clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. This document has been produced in response to these concerns. It was written by a team of individuals from various backgrounds who are knowledgeable about allegation procedures and the circumstances in which allegations might arise and provides practical guidance for anyone who works with, or on behalf of children and young people regardless of their role, responsibilities or status. It seeks to ensure that the duty to promote and safeguard the wellbeing of children is in part, achieved by raising awareness of illegal, unsafe and inappropriate behaviours.

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

It is also recognised that not all adults who work in the College work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by all adults whose work brings them into contact with children and young people.

The guidance contained in this document has due regard to current legislation and

¹ The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care

² www.everychildmatters.gov.uk

³ Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables them to have optimum life chances... Working Together to Safeguard Children: 2010 HM Government

statutory guidance.

1.2. What to do if you are worried a child is being abused⁴

All staff should be familiar with the College procedure for safeguarding the welfare of children and young people. Staff have a duty to report any child protection or welfare concerns to the Head of Learner Services and Safeguarding. Anyone who has concerns or is in doubt should refer to the document '**What To Do If You're Worried a Child Is Being Abused**' and follow that guidance.

Section 2: Using the Guidance

2.1. Status of Document

This document is based on a guidance document commissioned by the Department for Children, Schools and Families. (DCSF).

It should be read alongside the College Code of Professional conduct.

2.2. Purpose of Guidance

It is important that all staff understand that the nature of their work in the College and the responsibilities related to it, place them in a position of trust. This practice guidance provides clear advice on appropriate and safe behaviours for all College staff and other adults working with our students.

The guidance aims to:

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

2.3. Underpinning Principles

- The welfare of the child is paramount.⁵
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those staff employed by the College and those commissioned or contracted to work with our students.
- 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.

⁴ What to do If You are Worried a Child is Being Abused HM Government 2006

⁵ Children Act 1989

- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- Staff should continually monitor and review their practice and ensure they follow the guidance contained in this document.

2.4. Definitions

Children and Young People: Throughout this document references are made to "children and young people". These terms are interchangeable and refer to children who have not yet reached their 18th birthday. This guidance, however also has value for those working with vulnerable adults.

Adults: References to 'adults' or 'volunteers' refer to any adult who is employed, commissioned or contracted to work with or on behalf of, children and young people, in either a paid or unpaid capacity.

Manager: The term 'manager' refers to those adults who have responsibility for managing services including the supervision of employees and/or volunteers at any level.

Safeguarding: The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully⁶.

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

2.5. How to Use the Document

Each section provides general guidance about a particular aspect of work with, in the right hand column, specific guidance about which behaviours should be avoided and which are recommended.

Staff should follow this guidance in their day to day practice. It should also be referred to when taking on new work, different duties or additional responsibilities.

Section 3: Guidance for Safe Working Practice

1. Context

Staff have a crucial role to play in shaping the lives of young people. They have a unique opportunity to interact with young people in ways that are both affirming and inspiring. This guidance has been produced to help staff establish safe learning and working environments which safeguard young people and reduce the risk of staff being falsely accused of improper or unprofessional conduct.

This means that these guidelines:

- ☞ *apply to **all** adults working in or for the College whatever their position, role or responsibilities*
- ☞ *may provide guidance where an individual's suitability to work with young people has been called into question*

⁶ Working Together to Safeguard Children 2010. HM Government

2. “Unsuitability”

The guidance contained in the document is an attempt to identify what behaviours are expected of adults who work with young people. Staff whose practice deviates from this guidance or College policies, procedures and Code of Professional Conduct thereby raising concerns about their behaviour, may call into question their suitability to work with young people.

This means that staff should:

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

3. Duty of Care

College staff are accountable for the way in which they exercise authority; manage risk; use resources; and protect learners from discrimination and avoidable harm.

All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from sexual, physical and emotional harm. Young people have a right to be treated with respect and dignity and staff are expected to take reasonable steps to ensure the safety and well-being of young people. Failure to do so may be regarded as neglect.

The duty of care is in part exercised through the development of respectful and caring relationships between staff and learners and behaviour by staff that demonstrates integrity, maturity and good judgement.

The College and parents have legitimate expectations about the nature of professional involvement in the lives of learners. When individuals accept a role that involves working with young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers have a duty of care towards their employees, both paid and unpaid, under the Health and Safety at Work Act 1974⁸ which requires them to provide a safe working environment for staff and guidance about safe working practices. Thus employers have a duty of care for the well being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. Additionally the Human Rights Act 1988 sets out important principles regarding protection of individuals from abuse by state organisations or people working for those institutions. Staff who are subject to an allegation should therefore be supported and the principles of natural justice applied.

This means that staff should:

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

This means that the College should:

- ☞ *ensure that appropriate safeguarding policies and procedures are adopted, implemented and monitored*
- ☞ *ensure that where services are provided by another body, the body concerned has appropriate safeguarding policies and procedures*
- ☞ *foster a culture of openness and support*
- ☞ *ensure that systems are in place for concerns to be raised*
- ☞ *ensure that staff are not placed in situations which render them particularly vulnerable*
- ☞ *ensure staff have access to this guidance and related policies and procedures*

The Health and Safety At Work Act 1974 also imposes a duty on employees⁹ to take care of themselves and anyone else who may be affected by their actions or failings. An employer’s duty of care and a member of staff’s duty of care towards learners should not conflict. This duty of care towards both staff and young people can be demonstrated through the use of these guidelines.

4. Exercise of Professional Judgement

⁷ Working Together HM Government 2010 Chapter 6

⁸ Health and Safety at Work Act 1974 Part I, Section 2 (1) and (2)

⁹ Health and Safety at Work Act 1974 Part I, Section 7

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 young person which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the young people in their charge. Such judgements should always be shared with a manager. In undertaking these actions staff will be seen to be acting reasonably.

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

5. Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working with 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 learner 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.

Staff should always maintain appropriate professional boundaries and avoid behaviour, which might be misinterpreted by others. They should report and record any incident with this potential.

Where a person aged 18 or over is in a position of trust with a young person under 18, it is an offence for that person to engage in sexual activity with or in the presence of that young person, or to cause or incite that young person to engage in or watch sexual activity¹⁰

More detailed guidance is available in the NEOST/Joint Union Guidance on Preventing Abuse of Trust,¹¹ and Sexual Offences Act 2003 Sections 16 – 22.

6. Confidentiality

Staff may have access to confidential information about learners in order to undertake their everyday responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a learner or her/his family for their own, or others' advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the learner.

Confidential information about a 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 young person's identity does not need to be disclosed the information should be used

This means that where no specific guidance exists staff should:

- ☞ *discuss the circumstances that informed their action, or their proposed action, with a manager. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- ☞ *always discuss any misunderstanding, accidents or threats with a manager*
- ☞ *always record discussions and reasons why actions were taken.*

This means that staff should not:

- ☞ *use their position to gain access to information for their own advantage and/or a young person's or family's detriment*
- ☞ *use their power to intimidate, bully, humiliate, threaten, coerce or undermine learners*
- ☞ *use their status and standing to form or promote relationships which are of a sexual nature or which may become so*

This means that staff:

- ☞ *are expected to treat information they receive about young people in a discreet and confidential manner.*
- ☞ *in any doubt about sharing information they hold or which has been requested of them should seek advice from a senior member of staff*
- ☞ *need to be cautious when passing information to others about a young person*
- ☞ *need to know to whom any concerns or allegations should be reported*

¹⁰ Sexual Offences Act 2003

¹¹ NEOST Guidance and Sexual Offences Act 2003 Sections 16 - 22

anonymously.

There are some circumstances in which a member of staff may be expected to share information about a young person, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated child protection responsibilities.

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 their manager. Any media or legal enquiries should be passed to senior management.

The storing and processing of personal information about learners is governed by the Data Protection Act 1998. Employers should provide clear advice to staff about their responsibilities under this legislation.

The booklet "What To Do If You're Worried A Child Is Being Abused"¹² contains further guidance on sharing information to protect young people.

7. Propriety and Behaviour

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of young people. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, learners and the public in general.

An individual's behaviour, either in or out of the workplace, should not compromise her/his position within the work setting.

This means that staff should not:

- ☞ *behave in a manner which would lead any reasonable person to question their suitability to work with young people or act as a role model.*
- ☞ *make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such.*

This means that staff should:

- ☞ *consider how their personal conduct will reflect on their activities with young people*
- ☞ *follow the College Code of Professional Conduct*

8. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However staff should consider the manner of dress and appearance appropriate to their professional role which may be different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegation.

This means that staff should wear clothing which:

- ☞ *promotes a positive and professional image*
- ☞ *is appropriate to their role*
- ☞ *is not likely to be viewed as offensive, revealing, or sexually provocative*
- ☞ *does not distract, cause embarrassment or give rise to misunderstanding*
- ☞ *is absent of any political or otherwise contentious slogans*
- ☞ *is not considered to be discriminatory.*

¹² What to Do if you are Worried that a Child is Being Abused. Department of Health May 2003

9. Personal Living Space

Generally, staff should not invite young people into their home unless the reason to do so has been firmly established and agreed by a manager. The College would not expect that private living space be used for any work with young people.

Under no circumstances should young people be asked to assist staff with jobs or tasks in their private accommodation.

This means that staff should:

- ☞ *be vigilant in maintaining their privacy and be mindful of the need to avoid placing themselves in vulnerable situations*
- ☞ *be mindful of the need to maintain professional boundaries*
- ☞ *refrain from asking young people to undertake personal jobs or errands*

10. Gifts, Rewards and Favouritism

Staff should be aware of College policy including arrangements for the declaration of gifts received and given.

It is against the law for public servants to take bribes. Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when young people or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Similarly, it is inadvisable to give such personal gifts to learners. This could be misinterpreted as a gesture either to bribe, or single out the young person. It might be perceived that a 'favour' of some kind is expected in return.

Any reward given to a young person should be agreed practice within the establishment, recorded and not based on favouritism.

This means that staff should:

- ☞ *be aware of the College Financial Regulations regarding receiving gifts*
- ☞ *ensure that gifts received or given in situations which may be misconstrued are declared*
- ☞ *generally, only give gifts to an individual young person as part of an agreed reward system*
- ☞ *where giving gifts other than as above, ensure that these are of insignificant value and given to all young people equally*
- ☞ *ensure that selection processes are fair and wherever practicable these are undertaken by more than one member of staff*

11. Infatuations

Staff need to be aware that it is not uncommon for young learners to be strongly attracted to a member of staff and/or develop a heterosexual or homosexual infatuation. All situations should be responded to sensitively to maintain the dignity of all concerned. Staff should also be aware that such circumstances always carry a high risk of words or actions being misinterpreted and for allegations to be made against staff.

A member of staff, who becomes aware that a young learner may be infatuated with themselves or a colleague, should discuss this at the earliest opportunity with their manager so that appropriate action can be taken. In this way, steps can be taken to avoid hurt and distress for all concerned.

This means that staff should:

- ☞ *report any indications (verbal, written or physical) that suggest a young learner may be infatuated with a member of staff*
- ☞ *always acknowledge and maintain professional boundaries*

12. Social Contact

Staff should not establish or seek to establish social contact with learners for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this

This means that staff should:

- ☞ *have no secret social contact with young people*
- ☞ *consider the appropriateness of the*

occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response and be aware that such social contact could be misconstrued.

Staff should not give their personal details such as home/mobile phone number; home or email address to young learners unless the need to do so is agreed with senior management.

Internal email systems should only be used in accordance with college policy.

- social contact according to their role and nature of their work*
- ☞ *always approve any planned social contact with their manager, for example when it is part of a reward scheme or pastoral care programme*
- ☞ *advise their manager of any regular social contact they have with a learner which may give rise to concern*
- ☞ *report and record any situation, which may place a young person at risk or, may compromise the college or their own professional standing*
- ☞ *be aware that sending personal communications to young people may be called into question and need to be justified*

13. Sexual Contact

Any sexual behaviour by a member of staff with or towards a young person is both inappropriate and illegal. 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 young person consents or not. This includes the prohibition on adults in a position of trust (see Section 5).

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 young people to engage in or watch sexual activity or the production of pornographic material. "Working Together to Safeguard Children"¹³, defines sexual abuse as "forcing or enticing a young person to take part in sexual activities, whether or not the young person is aware of what is happening".

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 young person, and manipulate that relationship so sexual abuse can take place. Staff should be aware that conferring special attention and favour upon a young person might be construed as being part of a "grooming" process, which is an offence.

More detailed guidance is available in the joint NEOST/Union Guidance on Preventing Abuse of Trust and Sexual Offences Act 2003.

14. Physical Contact

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

A 'no touch' approach is impractical for most staff and may in some circumstances be inappropriate. When physical

This means that staff should:

- ☞ *not pursue sexual relationships with young people either in or out of college*
- ☞ *avoid any form of communication with a young person which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact*
- ☞ *not make sexual remarks to, or about, a young person*
- ☞ *not discuss their own sexual relationships with or in the presence of young people*

This means that staff should:

- ☞ *be aware that even well intentioned physical contact may be misconstrued or perceived differently by the young person, an observer or by anyone to whom this action is*

¹³ Working Together to Safeguard Children HM Government 2010

contact is made with learners this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity, additional support needs and background.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one young person in one set of circumstances may be inappropriate in another, or with a different young person. Staff should therefore, use their professional judgement at all times.

It is important to avoid making assumptions about whether a young person wants any form of physical contact or not. Where feasible, staff should ask the young person's permission or explain what they are going to do before initiating contact. Staff should listen, observe and take note of the young person's reaction or feelings and use a level of contact and/or form of communication which is acceptable to the young person and for the minimum time necessary.

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, the incident and circumstances should be reported as soon as possible to a senior colleague and, if appropriate, a copy placed on the young person's file.

Physical contact, which occurs regularly with an individual young person, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to learners with additional support needs or physical disabilities). Any such contact should be the subject of an agreed and open college policy and subject to review.

Where a young person seeks out or initiates physical contact with staff, the situation should be handled sensitively, but care should always be taken to ensure that such contact is not exploited in any way. Appropriate advice and support needs to be given to the member of staff and consideration given to the needs of the young person.

Extra caution may be required where it is known that a young person has suffered previous abuse or neglect. In the young person's view, physical contact might be associated with such experiences and lead to staff being vulnerable to allegations of abuse. It is recognised that many such young people are extremely needy and seek out inappropriate physical contact. In such circumstances staff should deter the young person sensitively by helping them to understand the importance of personal boundaries.

The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each young person. Young people with additional support 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 young person's needs, consistently applied and open to scrutiny.

described

- ⊕ *never touch a young person in a way which may be considered indecent*
- ⊕ *always be prepared to explain actions and accept that all physical contact be open to scrutiny*
- ⊕ *never indulge in horseplay, tickling or fun fights*
- ⊕ *encourage young people, where possible, to undertake self care tasks independently*
- ⊕ *be aware of the College Policy on Physical Restraint*
- ⊕ *work within Health and Safety regulations*
- ⊕ *be aware of cultural or religious views about touching and always be sensitive to issues of gender*

This means that the College should:

- ⊕ *ensure there is a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management.*
- ⊕ *Provide staff, on a "need to know" basis, with relevant information about vulnerable learners in their care*
- ⊕ *Make staff aware of relevant guidance on physical contact*

15. Activities which require physical contact.

Some staff, for example, those who teach on sports, dance or drama courses will on occasions have to initiate physical contact with learners in order to support a young person so they can perform a task safely, to demonstrate the use of a particular piece of equipment or assist them with an exercise. This should be done with the learner's agreement.

Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment i.e. easily observed by others (see section 19, one-to-one situations, below). Contact should be undertaken with the learner's understanding and agreement and staff should remain sensitive to any discomfort expressed verbally or non-verbally by the young person.

It will be helpful if expectations or behaviour in relation to the activity are made clear to the learners prior to the session. Keeping parents/carers informed of these expectations and of the nature of any physical contact that is likely to be necessary may also prevent allegations of misconduct or abuse arising

16. Showers and Changing

Young people are entitled to respect and privacy when changing clothes or taking a shower. 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.

Staff therefore need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the learners.

17. Learners in Distress

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

Where a member of staff has a particular concern about the need to provide this type of care and reassurance s/he should seek further advice from a senior manager.

This means that staff should:

- ☞ *Treat learners with dignity and respect and avoid contact with intimate parts of the body*
- ☞ *consider alternatives, where it is anticipated that a learner might misinterpret any such contact, perhaps involving another member of staff, or a less vulnerable learner in the demonstration.*
- ☞ *be familiar with and follow recommended DfES guidance¹⁴*
- ☞ *always explain to a learner the reason why contact is necessary and what form that contact will take.*
- ☞ *Conduct activities where they can be seen by others*
- ☞ *Be aware of gender, cultural or religious issues that may need to be considered prior to initiating physical contact*

This means that staff should:

- ☞ *avoid any physical contact when young people are in a state of undress*
- ☞ *avoid any visually intrusive behaviour and where there are changing rooms:*
- ☞ *announce their intention of entering*
- ☞ *avoid remaining in the room unless learner needs require it*

This means that staff should not:

- ☞ *change in the same place as young people*
- ☞ *shower with young people.*

This means that staff should:

- ☞ *consider the way in which they offer comfort and reassurance to a distressed learner and always try to minimise contact*
- ☞ *use physical contact only when absolutely necessary and avoid using it in one to one situations*
- ☞ *try to ensure that a witness is present*
- ☞ *always tell a colleague when and how they offered comfort to a distressed young person*

¹⁴ British Association of Advisers and Lecturers in Physical Education: Guidance for Schools and LEAs

- ☞ *record situations which may give rise to concern*

18. Behaviour Management

All learners have a right to be treated with respect and dignity. Corporal punishment is unlawful. Where learners display difficult or challenging behaviour, staff should use strategies appropriate to the circumstances and situation. Physical intervention can only be justified in exceptional circumstances and must be a last resort.

Staff should not use any form of degrading treatment to punish a learner. The use of humour can help to defuse a situation. The use of sarcasm, demeaning or insensitive comments towards learners is not acceptable in any situation.

This means that staff should:

- ☞ *not use force as a form of punishment*
- ☞ *try to defuse situations before they escalate*
- ☞ *keep parents informed of any sanctions*

19. Care, Control and Physical Intervention

The use of physical intervention should, wherever possible, be avoided. However there are occasions when the use of physical intervention is appropriate in order to control or prevent a potentially dangerous or harmful situation, i.e. an offence being committed, damage to property, self harming or injury to others. The circumstances in which staff can intervene with a learner are covered by Section 165 of the Education and Inspections Act 2006 – Power of members of staff of further education institutions to use force. This is a complex area and staff must have regard to DfES and AoC guidance.^{15,16,17}

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they may cause. The minimum necessary force should be used and the techniques deployed should be those with which staff are familiar and able to use safely.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

This means that staff should:

- ☞ *adhere to the college's physical intervention policy*
- ☞ *always seek to defuse situations*
- ☞ *always use minimum force for the shortest period necessary.*

This means that the college should:

- ☞ *regularly acquaint staff with relevant college policy and DfES/AoC Guidance*
- ☞ *ensure that staff are provided with appropriate training.*

20. One to One Situations

Staff working in one to one situations with young people may be more vulnerable to allegations. Staff should recognise this possibility and plan and conduct their work accordingly. Equally, one to one meetings may also make the learner more vulnerable to those who seek to harm and

This means that staff should:

- ☞ *ensure that when lone working is an integral part of their role, full and appropriate risk assessments have been conducted and agreed.*

¹⁵ DfES/AoC The Use of Force to Control or Restrain in Further Education 2007

¹⁶ DfES Guidance LEA/0242/2002 The Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders

¹⁷ DfES Guidance LEA/0264/2003 The Use of Restrictive Physical Interventions for Learners with Severe Behaviour Difficulties

exploit their position of trust. Every attempt should be made to ensure the safety and security needs of both staff and learners are met.

Colleges need to consider these issues in drawing up their college policies and offer clear training and guidance for the use of any areas of the college which place staff or young people in vulnerable situations e.g. photographic darkrooms, counselling rooms.

Managers should undertake a risk assessment in relation to the specific nature and implications of one to one work for each worker. In addition, each assessment should take into account the individual needs of each learner. Any arrangements should be reviewed on a regular basis.

Pre-arranged meetings with learners away from the college premises should not be permitted unless approval is obtained from their parent and the Principal or other senior colleague with delegated authority.

21. Overnight Supervision and Examinations

There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process. In these circumstances, arrangements should be made for the learner to be accommodated with a family that has already had CRB disclosures conducted.

- ⊕ *avoid meetings with learners in remote, secluded areas of college*
- ⊕ *ensure there is visual access and/or an open door in one to one situations wherever possible*
- ⊕ *inform other staff of the meeting beforehand, assessing the need to have them present or close by*
- ⊕ *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- ⊕ *always report any situation where a young person becomes distressed or angry to their line manager*
- ⊕ *consider the needs and circumstances of the young person/people involved.*

This means that:

- ⊕ *all members of the household should have the appropriate checks made.¹⁸*
- ⊕ *all arrangements should be made in partnership and agreement with the learner and parents/carers*
- ⊕ *arrangements involving one to one supervision should be avoided wherever possible.*
- ⊕ *staff should have regard to any guidance that exists*
- ⊕ *as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision*
- ⊕ *whenever possible, independent oversight of arrangements should be made*
- ⊕ *any situation which gives rise to complaint, disagreement or misunderstanding should be reported*
- ⊕ *Colleges should ensure that all arrangements reflect a duty of care towards learners and staff.*

22. Home Visits

It may occasionally be necessary for some staff to visit learners in their homes. It is essential that appropriate policies and related risk assessments are in place to safeguard both staff and learners who can be more vulnerable in these situations.

A risk assessment should include an evaluation of any known factors regarding the learner, parents and others living in the household. Risk factors such as hostility, child protection concerns, complaints or grievances can all make a member of staff more vulnerable to an allegation.

This means that staff should:

- ⊕ *agree the purpose for any home visit with their line manager*
- ⊕ *adhere to agreed risk management strategies*
- ⊕ *always make detailed records including times of arrival and departure and work undertaken*
- ⊕ *ensure any behaviour or situation*

¹⁸ Safeguarding Children and Safer Recruitment in Education DfES 2007

Specific consideration should be given to visits outside of "office hours" or in remote or secluded locations. Following the assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no information is available, visits should not be made alone.

Under no circumstances should staff visit a learner in their home outside agreed work arrangements. Neither should the learner be invited to the home of staff without prior discussion with the line manager and a clear justification agreed and recorded. This would not be seen as appropriate in most circumstances.

which gives rise to concern is discussed with their manager and appropriate action taken

- This means that the College should:*
- ☞ ensure that they have home visit and lone-working policies of which staff are made aware. These should include arrangements for risk assessment and management*
 - ☞ ensure that all visits are justified and recorded*
 - ☞ ensure that staff are not exposed to unacceptable risk*
 - ☞ ensure that staff have access to a mobile telephone and an emergency contact person*

23. Transporting Young people

In certain situations e.g. out of college activities, staff or volunteers may agree to transport young people. A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties that may arise.

Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting as an escort.

Staff should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They should ensure that the vehicle is roadworthy and appropriately insured and that the maximum capacity is not exceeded.

It is inappropriate for staff to regularly offer lifts to a learner outside their normal working duties unless this has been brought to the attention of the manager and agreed with parents.

- This means that staff should:*
- ☞ be aware that the safety and welfare of the young person is their responsibility until this is safely passed over to a parent/carer*
 - ☞ record details of the journey, the route and expected time of arrival in accordance with agreed procedures*
 - ☞ plan and agree arrangements with all parties in advance, responding sensitively and flexibly to disagreements*
 - ☞ ensure that they are alone with a young person for the minimum time possible*
 - ☞ ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety*
 - ☞ take into account any specific needs that the young person may have.*

24. Educational Visits

Staff should take particular care when supervising learners in the less formal atmosphere of a residential setting or out of college activity.

During college activities that take place off the college site or out of college 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.

Where out of college activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Learners, staff and parents should be informed of these prior to the start of the trip.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts,

- This means that staff should:*
- ☞ adhere to the College Visits Policy*
 - ☞ always have another adult present in out of college activities, unless otherwise agreed with a manager*
 - ☞ undertake appropriate risk assessments*
 - ☞ have parental consent to the activity*
 - ☞ ensure that their behaviour remains professional at all times*
 - ☞ never share beds or bedrooms with learners*

especially when involved in an out of college activity. Staff must be aware of and follow guidance.^{19,20}

25. First Aid and Administration of Medication

All colleges must have trained first aiders/appointed persons. Staff may volunteer to undertake this task but it is not a contractual requirement. Staff should receive appropriate training before administering first aid or medication.

When administering first aid, wherever possible, staff should ensure that another adult is present, or aware of the action being taken.

Learners may need medication during college hours. In circumstances where young people need medication regularly a health care plan should be drawn up to ensure the safety and protection of learners and staff. With the permission of parents, the young people should be encouraged to administer the medication themselves.

If a member of staff is concerned or uncertain about the amount or type of medication being given to a learner, this should be discussed with the appropriate senior colleague at the earliest opportunity.

There should be due regard to DfES guidance.^{21,22,}

26. Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit, 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 by the lesson plan. This plan should highlight particular areas of risk and sensitivity.

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to learners' questions can require careful judgement and staff may wish to take guidance in these circumstances from a senior member of staff.

27. Communication with Learners using Technology

Communication between staff and learners, by whatever method, should take place within professional boundaries and staff should avoid any personal subject matter. This includes the wider use of technology such as mobile phones, text messaging, emails, digital cameras, videos, webcams, websites and blogs. Adults should not share any personal information with a learner. They should not request, or respond to, any personal information from the learner, other than that which might be appropriate as part

This means that staff should:

- ☞ *adhere to the college's Health and Safety policy and procedures*
- ☞ *make other staff aware of the task being undertaken*
- ☞ *explain to the young person what is happening.*

This means that staff should:

- ☞ *have clear written lesson plans.*

This means that staff should not:

- ☞ *enter into or encourage inappropriate or offensive discussion about sexual activity.*

This means that staff should:

- ☞ *not give their personal contact details to learners, including their mobile telephone number and details of any blogs or personal websites*
- ☞ *only use equipment provided by the college to communicate with*

¹⁹ DfES A Good Practice Guide – Health and Safety of Learners on Educational Visits 1998

²⁰ DfES Guidance Health and Safety – Responsibility and Powers Dec 2003

²¹ DfES Circular 14/96 Supporting Children with Medical Needs in School

²² DfES Guidance for First Aid in School 1988

of their professional role. Staff should ensure that all communications are transparent and open to scrutiny.

Staff should be circumspect in their communications with learners so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming.

Staff should not give their personal contact details to learners including personal email, home or mobile telephone numbers. Email or text communications between staff and learners outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites.

Internal email systems should only be used in accordance with College policy.

28. Photography, Videos and other Creative Arts

Many college activities involve recording images. These may be undertaken as part of the curriculum, extra college activities, for publicity, or to celebrate achievement.

Staff need to be aware of the potential for these aspects of teaching to be misused for pornographic or 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken. Particular regard needs to be given when they involve young or vulnerable learners who may be unable to question why or how the activities are taking place.

Young people who have been previously abused in this way may feel threatened by the use of photography, filming etc in the teaching environment.

Staff should remain sensitive to any young people who appear uncomfortable and should recognise the potential for misinterpretation.

Using images of young people for publicity purposes will require the age - appropriate consent of the individual concerned and their legal guardians. 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 college have access.

It is recommended that when using a photograph the following guidance should be followed:

- if the photograph is used, avoid naming the learner
- if the learner is named, avoid using their photograph
- colleges should establish whether the image will be retained for further use
- images should be securely stored and used only by those authorised to do so.

29. Internet Use

learners

- ⊕ *only make contact with learners for professional reasons and in accordance with College policies*
- ⊕ *recognise that text messaging is rarely an appropriate response to a child in a crisis situation or at risk of harm. It should only be used as a last resort when other forms of communication are not available*
- ⊕ *adhere to the College Email and Internet Policy*
- ⊕ *not use internet or web-based communication channels to send personal messages to learners*
- ⊕ *ensure that if a social networking site is used, details are not shared with learners and privacy settings are set at maximum*

This means that staff should:

- ⊕ *be clear about the purpose of the activity and about what will happen to the photographs when the lesson/activity is concluded*
- ⊕ *ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose.*
- ⊕ *store digital images on a designated drive which is open to scrutiny*
- ⊕ *be able to justify images of young people in their possession*
- ⊕ *avoid making images in one to one situations.*

This means that staff should not:

- ⊕ *take, display or distribute images of young people unless they have written consent to do so.*

Under no circumstances should staff in college access inappropriate images. Accessing child pornography or indecent images of young people on the internet, and making, storing or disseminating such material, is illegal and, if proven, will invariably lead to the individual being barred from work with young people.

Using college equipment to access inappropriate or indecent material, including adult pornography, is likely to give cause for concern particularly if as a result learners might be exposed to inappropriate or indecent material.

30. Whistle-blowing

Whistle blowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. The College has a whistle-blowing policy that meets the terms of the Public Interest Disclosure Act 1998.

Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of managers and/or relevant external agencies. This is particularly important where the welfare of young people may be at risk.

31. Sharing Concerns and Recording Incidents

All staff should be aware of the College'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.

In the event of an incident occurring, which may result in an action being misinterpreted and/or an allegation being made against a member of staff, the relevant information should be clearly and promptly recorded and reported to a manager. Early discussion with a parent or carer could avoid any misunderstanding.

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

All staff should know the name of the college's Safeguarding Officer and know and follow relevant safeguarding policy and procedures. All staff have a duty to report any safeguarding concerns.

Anyone who has concerns or is in doubt should refer to the document "What To Do If You're Worried a Young person Is Being Abused" and follow that guidance.

This means that staff should:

- ☞ *follow the college policy on the use of the internet and email*
- ☞ *ensure learners are not exposed to unsuitable material on the internet*

This means that staff should:

- ☞ *Be aware of the College Whistle-blowing Policy*
- ☞ *report any behaviour by colleagues that raises concern.*

This means that staff:

- *should be familiar with the college system for recording concerns*
- *should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the college or workplace.*

This means that colleges:

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