Guidance for safer working practice for those working with children and young people in education settings

Addendum April 2020

Acknowledgments: Adapted and updated by the Safer Recruitment Consortium from an original IRSC / DfE document and with thanks to CAPE (Child Protection in Education) and NASS (National Association of Independent Schools and Non-Maintained Special Schools)

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I. Context

The DfE website page relating to safeguarding arrangements in schools during the Coronavirus (COVID-19) pandemic says "Whilst acknowledging the pressure that schools and colleges are under, it remains essential that as far as possible they continue to be safe places for children." This addendum is intended as a temporary supplement to the *Guidance for Safer Working Practice for those working with children and young people in education settings*.

II. Overview and purpose of guidance

This document is an addendum to the non-statutory 'guidance for safer working practice' 2019, an adaptation by the Safer Recruitment Consortium of a document previously published for schools by the Department for Education and Skills (DfES). This addendum to the safer working practice document is NOT statutory guidance from the Department for Education (DfE); it is for employers, local authorities and/or the three safeguarding partners to decide whether to use this as the basis for their code of conduct / staff behaviour guidelines.

The document seeks to ensure that the responsibilities of senior leaders of educational settings towards children and staff are discharged by raising awareness of illegal, unsafe, unprofessional and unwise behaviour.

The 2019 guidance made clear that whilst every attempt had been made to cover a wide range of situations, it should be recognised that any guidance cannot cover all eventualities. The current pandemic with its associated closure of schools to most children is one such example of a circumstance which had not been foreseen and where Government, local authorities, school leaders and staff are having to review and amend guidance rapidly.

Now more than ever before, professional judgements may need to be made in situations not covered by existing guidance, or which directly contravene the guidance given by the employer. In such circumstances, staff will always advise their senior colleagues of the justification for any such action already taken or proposed.

All staff have a responsibility to be aware of systems within their school which support safeguarding and any temporary amendment to these should be explained to them by senior managers. This includes the school's child protection policy, staff behaviour policy (sometimes called the code of conduct) and online safety / acceptable use policy.

III. Underpinning principles

- The welfare of the child is paramount
- Staff should understand their responsibilities to safeguard and promote the welfare of pupils
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should work, and be seen to work, in an open and transparent way

- Staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded

- Staff should discuss and/or take advice promptly from their line manager if they have acted in a way which may give rise to concern

- Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation

- Staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children

- Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct prohibition from teaching by the Teaching Regulation Agency (TRA)

- Staff and managers should continually monitor and review practice to ensure this guidance is followed

- Staff should be aware of and understand their establishment's child protection policy, arrangements for managing allegations against staff, staff behaviour policy, whistle blowing procedure and the procedures of the relevant Multi-agency Partnership (MAP).

IV. How to use this addendum

This addendum and its parent document are intended only to be guidance to schools and do not have any statutory weight. However, where statutory guidance does exist in relation to a specific topic or practice, this is noted in the text.

Each section in the Guidance for Safer Working Practice provides general guidance about a particular aspect of work and, in the right- hand column, specific guidance about which behaviours should be avoided and which are recommended. This addendum only highlights sections or areas where specific changes or additions are required during the pandemic.

Some settings will have additional responsibilities arising from their regulations (e.g. Early Years Foundation Stage [EYFS], Quality Standards) or their responsibility towards young people over the age of 18. Not all sections of the guidance will, therefore, be relevant to all educational establishments.

3. Responsibilities

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

All staff have a responsibility to keep pupils safe and to protect them from abuse (sexual, physical and emotional), neglect and contextual safeguarding concerns. Pupils have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure their safety and well-being. Failure to do so may be regarded as professional misconduct.

The safeguarding culture of a school is, in part, exercised through the development of respectful, caring and professional relationships between adults and pupils and behaviour by the adult that demonstrates integrity, maturity and good judgement.

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

Employers have duties towards their employees and others under Health and Safety legislation which requires them to take steps to provide a safe working environment for staff.

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

This means that managers / proprietors/ governing bodies should:

- *ensure that appropriate safeguarding and child protection policies and procedures are distributed, adopted, implemented and monitored*
- *update or amend their CP policy and other safeguarding policies in the light of DfE guidance on safeguarding children during the COVID pandemic*
- *ensure that if there is no trained DSL on site, a senior member of staff is identified to lead on safeguarding issues*

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*
- *understand how to raise a concern and contact designated staff or partner agencies if they have a concern about a child, particularly if the normal arrangements have been amended*
- *always act, and be seen to act, in the child'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 employers should:

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

5 Power and positions of trust and authority

As a result of their knowledge, position and/or the authority invested in their role, all those working with children in a school or education setting are in a position of trust in relation to all pupils on the roll.

The relationship between a person working with a child/ren is one in which the adult has a position of

This means that staff should not:

- *use their position to gain access to information for their own advantage and/or a pupil's or family's detriment*
- *use their power to intimidate, threaten, coerce or undermine pupils*
- *use their status and standing to form or promote relationships with pupils which*

power or influence. It is vital for adults to understand this power; that the relationship cannot be one between equals and the responsibility they must exercise as a consequence.

are of a sexual nature, or which may become so

The potential for exploitation and harm of vulnerable pupils means that adults 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, avoid behaviour which could be misinterpreted by others and report any such incident to a senior manager. This is as relevant in the online world as it is in the classroom; staff engaging with pupils and / or parents online have a responsibility to model safe practice at all times.

See also addendum section 24a.

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence[1] for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

8. Dress and appearance

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However, staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake; this also applies to online or virtual teaching or when working with small groups on site (in the case of schools who remain open to vulnerable children or those of critical workers). Those who dress or appear in a manner which could be viewed as offensive or inappropriate will 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*
- *is compliant with professional standards*
- *in online engagement, is similar to the clothing they would wear on a normal school day*

12 Communication with children (including the use of technology)

See also addendum section 24a.

[1] Sexual Offences Act 2003

15 Intimate / personal care

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

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

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

Any vulnerability, including those that may arise from a physical or learning difficulty should be considered when formulating the individual pupil's care plan. The views of parents, carers and the pupil, regardless of their age and understanding, should be actively sought in formulating the plan and in the necessary regular reviews of these arrangements. Any changes to the care plan should be made in writing and without delay, even if the change in arrangements is temporary; e.g. staff shortages, changes to staff rotas during the pandemic, etc.

Intimate and personal care should not be carried out by an adult that the child does not know. Anyone undertaking intimate / personal care in an education setting is in regulated activity and must have been checked against the relevant DBS barred list, even if the activity only happens once; this includes volunteers. Volunteers and visiting staff from other schools should not undertake care procedures without appropriate training.

Pupils are entitled to respect and privacy at all times and especially when in a state of undress, including, for example, when changing, toileting and showering.

This means that education settings should:

- *have written care plans in place for any pupil who could be expected to require intimate care*
- *update care plans in writing where appropriate; e.g. because there are changes to staff rotas, etc.*
- *ensure that pupils are actively consulted about their own care plan*
- *ensure that intimate / personal care is provided by staff known to the child*
- *ensure that only individuals that have been checked against the relevant DBS barred list are permitted to engage in intimate or personal care*
- *ensure that temporary or visiting staff have been trained in intimate and personal care procedures*

This means that staff should:

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

This means that adults should not:

- *change or toilet in the presence or sight of pupils*
- *shower with pupils*
- *allow any adult to assist with intimate or personal care without confirmation from senior leaders that the individual is not barred from working in regulated activity*
- *assist with intimate or personal care tasks which the pupil is able to undertake independently*

However, there needs to be an appropriate level of supervision in order to safeguard pupils, 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 children concerned and sensitive to the potential for embarrassment.

19. One to one situations

Staff working in one to one situations with pupils at the setting, including visiting staff from external organisations can be more vulnerable to allegations or complaints.

To safeguard both pupils and adults, a risk assessment in relation to the specific nature and implications of one to one work should always be undertaken. Each assessment should take into account the individual needs of each pupil and should be reviewed regularly.

Arranging to meet with pupils from the school or setting away from the work premises should not be permitted unless the necessity for this is clear and approval is obtained from a senior member of staff, the pupil and their parents/carers.

During the current school closures, the DfE suggests that if there is only one vulnerable child or child of a critical worker, the school should consider closing, and liaise with the local authority to identify alternative provision; e.g., at a hub school. If the school must remain open with only one or two children, there should be more than one member of staff to meet fire safety, first aid, supervision and other emergency procedures.

This means school leaders should:

- *keep pupil numbers under constant review*
- *ensure that risk assessments and emergency procedures are reviewed in the event of lone working / very small numbers on site*
- *liaise with the LA on suitable alternative provision if the school needs to close due to very low pupil numbers*

This means that staff should:

- *work one to one with a child only where absolutely necessary and with the knowledge and consent of senior leaders and parents/carers*
- *be aware of relevant risk assessments, policies and procedures*
- *ensure that wherever possible there is visual access and/or an open door in one to one situations*
- *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 pupil becomes distressed, anxious or angry*
- *consider the needs and circumstances of the pupil involved*

20. Home visits

All work with pupils and parents should usually be undertaken in the school or setting or other recognised workplace. There are however occasions, in response to an urgent, planned or specific situation or job role, where it is necessary to make one-off or regular home visits.

In the current situation, some settings may ask staff to undertake welfare visits, particularly in the EYFS or to primary age children. Settings should take into account the advice of their local authority early years service and / or MAP when deciding whether these home visits

This means that staff should:

- *agree the purpose for any home visit with their manager*
- *have a clear understanding of the actions that should be taken if it is believed that a child or parent is at immediate risk of harm, including when to contact emergency services and / or partner agencies*
- *adhere to agreed risk management strategies*
- *avoid unannounced visits wherever possible*

are proportionate and desirable. Staff will normally undertake home visits with a colleague. Staff undertaking welfare visits should always try to give parents / carers advance warning unless there is good reason not to; e.g. because the visit has been prompted by safeguarding concerns and / or is at the request of children's social care. In these cases, one of the staff undertaking the visit should be a Designated safeguarding lead or deputy safeguarding person. The purpose of the visit should be clarified and staff should be aware of the circumstances in which emergency services or partner agencies should be contacted.

It is essential that appropriate policies and related risk assessments are in place to safeguard both staff and pupils, who can be more vulnerable in these situations. A risk assessment should be undertaken prior to any planned home visit taking place. The assessment should include an evaluation of any known factors regarding the pupil, parents/carers and any others living in the household. Consideration should be given to any circumstances which might render the staff member becoming more vulnerable to an allegation being made e.g. hostility, child protection concerns, complaints or grievances. Specific thought should be given to visits outside of 'office hours' or in remote or secluded locations. Following the assessment, appropriate risk management measures should be put in place, before the visit is undertaken. In the unlikely event that little or no information is available, visits should not be made alone.

- *ensure there is visual access and/or an open door in one to one situations*
- *observe social distancing at all times*
- *except in an emergency, never enter a home without the parent or carer's consent or when the parent is absent*
- *always make detailed records including times of arrival and departure*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager*

This means that education settings should:

- *ensure that they have home visit and lone-working policies which all adults are made aware of. These should include arrangements for risk assessment and management*
- *ensure that policies reflect any procedures or guidance issued by the MAP in relation to undertaking home visits*
- *ensure that all visits are justified and recorded*
- *ensure that staff understand the purpose and limitations of welfare visits*
- *ensure that staff are not exposed to unacceptable risk*
- *make clear to staff that, other than in an emergency, they should not enter a home if the parent/carer is absent*
- *ensure that staff have access to a mobile telephone and an emergency contact number*

23. First Aid and medication

The narrative of section 23 in the parent document still stands. However, it is worth noting that in exceptional circumstances, the *Managing Health & Safety at Work Regulations* do allow an organisation to function without any member of staff being trained in 'First Aid at Work'. If a school has no trained first aider due to COVID-19, it is the responsibility of school leaders and / or the employer to identify a senior person on site each day to lead on any crisis or serious incident including the provision of first aid. This decision should be supported by a risk assessment that takes into account the number of staff, children and / or other visitors on site, the proximity of emergency services, any particular risks presented, etc. Risks should be minimised as much as possible, for example by not undertaking high risk or adventurous activities.

Staff whose 'first aid at work' training is about to or has

This means that education settings should:

- *ensure there are trained and named individuals to undertake first aid responsibilities, including paediatric first aid if relevant*
- *if there is no member of staff available who has completed 'first aid at work' training, identify a senior person to be responsible each day*
- *review and update first aid, medicines in school and crisis / emergency policies and relevant risk assessments*
- *refer to local and national First Aid guidance and guidance on meeting the needs of children with medical conditions*

This means that adults should:

- *adhere to the school or setting's health and safety and supporting pupils with medical conditions policies*
- *make other staff aware of the task*

expired since 16th March 2020 should be aware that the HSE has agreed an extension of 3 months for renewal.

Depending on the ages of the children accessing the provision, there may need to be at least one person trained in paediatric first aid at all times when children are on site.

being undertaken
- *have regard to pupils' individual healthcare plans*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*
- *explain to the pupil what is happening.*
- *always act and be seen to act in the pupil's best interest*
- *make a record of all medications administered*
- *not work with pupils whilst taking medication unless medical advice confirms that they are able to do so*

24a. Use of technology for online / virtual teaching

The narrative of section 24 remains relevant. However, there has been a sharp increase in the use of technology for remote learning since March 2020 and this addendum provides some basic guidelines for staff and school leaders.

All settings should review their online safety and acceptable use policies and amend these if necessary, ensuring that all staff involved in virtual teaching or the use of technology to contact pupils are briefed on best practice and any temporary changes to policy / procedures.

When selecting a platform for online / virtual teaching, settings should satisfy themselves that the provider has an appropriate level of security. Wherever possible, staff should use school devices and contact pupils only via the pupil school email address / log in. This ensures that the setting's filtering and monitoring software is enabled.

In deciding whether to provide virtual or online learning for pupils, senior leaders should take into account issues such as accessibility within the family home, the mental health and wellbeing of children, including screen time, the potential for inappropriate behaviour by staff or pupils, staff access to the technology required, etc. Virtual lessons should be timetabled and senior staff, DSL and / or heads of department should be able to drop in to any virtual lesson at any time – the online version of entering a classroom.

Staff engaging in online learning should display the same standards of dress and conduct that they would in the real world; they should also role model this to pupils and parents. The following points should be

This means that senior leaders should:
- *review and amend their online safety and acceptable use policies to reflect the current situation*
- *ensure that all relevant staff have been briefed and understand the policies and the standards of conduct expected of them*
- *have clearly defined operating times for virtual learning*
- *consider the impact that virtual teaching may have on children and their parents/ carers / siblings*
- *determine whether there are alternatives to virtual teaching in 'real time' – e.g., using audio only, pre-recorded lessons, existing online resources*
- *be aware of the virtual learning timetable and ensure they have the capacity to join a range of lessons*
- *take into account any advice published by the local authority, MAP or their online safety / monitoring software provider*

This means that staff should:
- *adhere to their establishment's policy*
- *be fully dressed*
- *ensure that a senior member of staff is aware that the online lesson / meeting is taking place and for what purpose*
- *avoid one to one situations – request that a parent is present in the room for the duration, or ask a colleague or member of SLT to join the session*
- *only record a lesson or online meeting with a pupil where this has been agreed with the head teacher or other senior staff, and the pupil and their parent/carer have given explicit written consent to do so*
- *be able to justify images of pupils in*

considered:-

- think about the background; photos, artwork, identifying features, mirrors – ideally the backing should be blurred
- staff and pupils should be in living / communal areas – no bedrooms
- staff and pupils should be fully dressed
- filters at a child's home may be set at a threshold which is different to the school
- resources / videos must be age appropriate – the child may not have support immediately to hand at home if they feel distressed or anxious about content

It is the responsibility of the staff member to act as a moderator; raise any issues of suitability (of dress, setting, behaviour) with the child and / or parent immediately and end the online interaction if necessary Recording lessons does not prevent abuse. If staff wish to record the lesson they are teaching, consideration should be given to data protection issues; e.g., whether parental / pupil consent is needed and retention / storage. If a staff member believes that a child or parent is recording the interaction, the lesson should be brought to an end or that child should be logged out immediately. Staff, parent and pupil AUPs should clearly state the standards of conduct required.

If staff need to contact a pupil or parent by phone and do not have access to a work phone, they should discuss this with a senior member of staff and, if there is no alternative, always use 'caller withheld' to ensure the pupil / parent is not able to identify the staff member's personal contact details.

their possession

This means that adults should not:

- *contact pupils outside the operating times defined by senior leaders*
- *take or record images of pupils for their personal use*
- *record virtual lessons or meetings using personal equipment (unless agreed and risk assessed by senior staff)*
- *engage online while children are in a state of undress or semi-undress*

28. Whistleblowing

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

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

This means that schools and settings should:

- *have a whistleblowing policy in place which is known to all and which has been reviewed / amended in the light of the current pandemic*
- *include in the whistleblowing policy how to escalate concerns if they believe that safeguarding arrangements in the setting are not effective, or a child/ren are not being protected*
- *have clear procedures for dealing with allegations against persons working in or on behalf of the school or setting*

This means that staff should:

be at risk.

Staff should be reminded of the routes for raising concerns during school closure or part closure, including how to escalate their concern if the normal routes for whistleblowing are impeded by the absence / illness of senior managers.

- *escalate their concerns if they believe a child or children are not being protected*
- *report any behaviour by colleagues that raises concern*
- *report allegations against staff and volunteers to their manager, or registered provider, or where they have concerns about the manager's response report these directly to the DO*