Nightingale Code of Conduct for Staff and Volunteers



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Introduction

All adults working at Nightingale have a duty of care to ensure the safety and wellbeing of all children at our school. This responsibility is shared between us all and must guide the decisions we make every day as well as our diligence in ensuring that safeguarding policies and procedures are followed in all aspects of our work.

This Code of Conduct is based on the following principals:

* The welfare of the child is paramount.
* 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 adults employed, commissioned or contracted to work with children at our school.
* Adults who work at Nightingale are responsible for their own actions and behaviour and should at all times follow the advice given in this Code of Conduct.
* Adults at Nightingale should work and be seen to work, in an open and transparent way.
* The same professional standards will always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
* Adults at Nightingale should continually monitor and review their practice and the practice of other adults in the school and ensure they follow the guidance contained in this document.

Why do we need a code of conduct?

We recognise that the vast majority of adults who work with children in any educational setting act professionally and aim to provide a safe and supportive environment that secures the well-being and very best outcomes for children and young people in their care. Nowhere should this be more true than at Nightingale where our staff consistently embody the school’s vision of ‘Building a Better World Together’.

However, it is known that in our area of work tensions and misunderstandings can occur and on occasions staff can be subject to allegations that 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.

This document seeks to provide a framework both for staff to understand their roles, responsibilities and conduct around children but also to allow staff to identify when the behaviour of another adult in the school may be considered concerning so that it may be reported swiftly to the Headteacher or the Designated Safeguarding Lead.

Much of the advice contained in this document is taken directly from the document *Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings* published in 2009 by the Department for Children, Schools and Families and we recommend that staff familiarise themselves with this document as the guidance contained within it is very helpful. Staff should also familiarise themselves with Nightingale’s Safeguarding and Child Protection Policy.

Section 1 – Keeping Children Safe

Whether working in a paid or voluntary capacity, adults at Nightingale have a duty to keep children safe and to protect them from physical, emotional or sexual harm. Children and young people have a right to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of children and young people as failure to do so may be regarded in law as neglect.

A ‘Duty of Care’ is defined as follows; *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.*

**If you are at all concerned about the welfare of a child at Nightingale, whether this concern is based on what is happening at school or in the home, you must report this immediately and directly to one of the school’s designated safeguarding leads in person. These are:**

Designated Safeguarding Leads:

Abigail Hopper

(Insert Photo)

Veronica Benjamin

(Insert Photo)

Deputy Designated Safeguarding Lead:

(Adam Steele)

Whistleblowing

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| If you have a concern about the conduct of any other member of staff please raise this immediately with a member of the Senior Leadership Team. You do not have to have ‘evidence’ in order to raise a concern, as there may be factors of which you are unaware. In matters of child protection instead of thinking ‘what if I am wrong?’ it is better to think ‘ what if I am right?’  Whistle blowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. Further details may be gained in person from the Designated Safeguarding Lead or by reading the school’s Safeguarding and Child Protection Policy. Adults who use the whistleblowing procedure can be assured that their employment rights are protected. |
| Sharing Concerns |
| By reading the guidance contained within this document all staff should have a clear idea of the behaviours which the school may consider concerning. All allegations will be taken seriously and properly investigated in accordance with local procedures and statutory guidance.  In the event of any allegation being made to someone other than a manager, information should be clearly and promptly recorded and reported to a member of the Senior Leadership Team without delay.  Adults should always feel able to discuss with a member of the Senior Leadership Team any difficulties or problems that may affect their relationship with children and young people so that appropriate support can be provided or action can be taken. |

Section 2 – Personal Conduct when working with children

Context:

Staff or volunteers can use the guidance contained in this section if they are unsure whether they should have concerns about the behaviour of any other adult in our school.

This guidance cannot provide a complete checklist of what is, or is not, inappropriate behaviour for adults in all circumstances. We recognise that there may be occasions and circumstances in which adults 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. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge. Such judgements, in these circumstances, should always be recorded and shared with a member of the Senior Leadership Team.

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

Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.

A relationship between an adult and a child or young person cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Adults should always maintain appropriate professional boundaries and avoid behaviour that might be misinterpreted by others. They should record any incident with this potential and report it to a member of the Senior Leadership Team.

Personal Conduct

All adults working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

There may be times, for example, when an adult’s behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This may also occur through the use of social media. This could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Adults in contact with children and young people should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting, including their profiles on social media sites and the Internet.

Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However adults should dress in ways that are appropriate to their role and this may need to be different to how they dress when not at work.

Adults who work with children and young people should ensure that they are dressed appropriately, professionally and safely for the tasks and the work they undertake.

Those who dress in a manner that could reasonably be considered as inappropriate could render themselves vulnerable to criticism and should expect that a member of the Senior Leadership Team will talk with them about their choices.

Communication with Children and Young People *(including the Use of Technology)*

Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs. Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny.

Adults should also be circumspect in their communications with children so as to avoid any possible misinterpretation of their motives.They should notgive their personal contact details to children and young people including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with senior management and parents/carers. E-mail or text communications between an adult and a child or young person outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through web sites.

Communication with Parents

At Nightingale we promote regular and open communication between teachers and the families of the children they teach. We encourage all teachers to spend time on the playground at the beginning and end of the day to build up a relationship of trust with parents and carers.

E-mail and telephone contact are also encouraged but these should be either through the use of staff e-mail addresses or via telephone on the school’s main number. Staff should never give their personal contact details to any parent.

In circumstances where staff have an existing friendship with a parent of a child at the school this relationship should be open and transparent. If in doubt it is best to make your line manager aware that you know a family in a social capacity.

Physical Contact

Many jobs within Nightingale require physical contact with children as part of the role. There are also occasions when it is entirely appropriate for other adults to have some physical contact with the child or young person with whom they are working. However, it is crucial that in all circumstances, adults should only touch children in ways which are appropriate to their professional or agreed role and responsibilities.

When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. 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. Adults, nevertheless, should use their professional judgement at all times, observe and take note of the child's reaction or feelings and – so far as is possible - use a level of contact and/or form of communication which is acceptable to the child for the minimum time necessary.

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

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If an adult believes that their action could be misinterpreted, or if an action is observed by another as being inappropriate or possibly abusive, the incident and circumstances should be reported to the senior manager outlined in the procedures for handling allegations and an appropriate record made. Parents/carers should also be informed in such circumstances.

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

It is recognised that some children who have experienced abuse may seek inappropriate physical contact. Adults should be particularly aware of this when it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to some actions being misinterpreted. In all circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to sensitively deter the child and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager and the parent/carer.

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| Other Activities Requiring Physical Contact  Adults who work in certain settings, for example sports, drama or outdoor activities will have to initiate some physical contact with children, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child so they can perform an activity safely or prevent injury.  Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear to the parent/carer and once agreed, should be undertaken with the permission of the child/young person. Contact should be relevant to their age or understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the child.  Guidance and protocols around safe and appropriate physical contact are provided by national organisations, for example sports governing bodies or major arts organisations, or guidance may be sought from any member of the Senior Leadership Team. This should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to a senior manager and parent or carer.  It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers, children and young people informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising. |
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Social Contact

Adults who work with children and young people should not seek to have social contact them or their families, unless the reason for this contact has been firmly established and agreed with a member of the Senior Leadership Team. If a child or parent seeks to establish social contact, or if this occurs coincidentally, the adult should exercise her/his professional judgement in making a response but should always discuss the situation with their line manager or with the parent of the child or young person. Adults should be aware that social contact in certain situations can be misconstrued as grooming.

Where social contact is an integral part of work duties, e.g. pastoral work in the community, care should be taken to maintain appropriate personal and professional boundaries. This also applies to social contacts made through interests outside of work or through the adult’s own family or personal networks.

It is recognised that some adults may support a parent who may be in particular difficulty. Care needs to be exercised in those situations where the parent comes to depend upon the adult for support outside their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

Sexual Contact

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| All adults should clearly understand the need to maintain appropriate boundaries in their contacts with children and young people. Intimate or sexual relationships between children/young people and the adults who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.  Any sexual activity between an adult and the child or young person with whom they work will be regarded as a criminal offence and will always be a matter for disciplinary action.  Children and young people are protected by specific legal provisions regardless of whether the child or young person consents or not. 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. *S*exual abuse can be defined as “forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening”.  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. Adults should be aware that consistently conferring inappropriate special attention and favour upon a child might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour. |
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One to One Situations

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| One to one situations have the potential to make a child/young person more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with children and young people may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are required either in school or during home visits reasonable and sensible precautions are taken. All one to one working arrangements must be transparent and visible, for example through ensuring that doors are left open where possible, or having a glass panel in the door. It should be expected that Senior Managers will regularly check on long term one to one work and will be a visible presence around the school at all times.  There are occasions where managers will need to undertake a risk assessment in relation to the specific nature and implications of one to one work, for example where a pupil is known to have particular vulnerabilities due to their behaviour or conduct. These assessments should take into account the individual needs of the child/young person and the individual worker and any arrangements should be reviewed on a regular basis. Where this is the case you will be made aware by a member of the Senior Leadership Team.  Meetings with children and young people outside agreed working arrangements should not take place without the agreement of the Senior Leadership Team and parents or carers. This includes any private coaching, tutoring or childcare with any child from our school. |
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Behaviour Management

All children and young people have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

Adults should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children and young people is not acceptable in any situation. Any sanctions or rewards used should be part of Nightingale’s Behaviour Management Policy.

The use of physical punishment is not acceptable and whilst there may a legal defence for parents who physically chastise their children, this does not extend, in any circumstances, to those adults who work with or on behalf of children and young people.

Where children display difficult or challenging behaviour, adults must follow the behaviour policy outlined by Nightingale, and use strategies appropriate to the circumstance and situation. The use of physical intervention or restraint can only be justified in exceptional circumstances and in line with the school’s Use of Reasonable Force Policy.

Where a child has specific needs in respect of particularly challenging behaviour, a positive handling plan may be drawn up and agreed by all parties. Only in these circumstances should an adult deviate from the behaviour management policy of the organisation.

Use of Control and Physical Intervention

More detailed information about the use of control and physical intervention can be found in Nightingale’s Use of Reasonable Force Policy and all staff should ensure that they have a sound knowledge of that document.

However, the use of physical intervention should, wherever possible, be avoided. The Education and Inspection Act 2006 cites the use of reasonable force in the circumstances to prevent a pupil doing or continuing to do any of the following:-

* Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil).
* Causing personal injury to any person (including the pupil themselves).
* Causing damage to the property of any person (including the pupil themselves) or school property.
* Prejudicing the maintenance of good order and discipline at the school and among any pupils receiving education at the school, whether during a teaching session or otherwise.

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

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 in line with recommended policy and practice. Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to all adults and organisations working with children and young people requires that reasonable measures are taken to prevent children being harmed. The use of unwarranted physical force is likely to constitute a criminal offence.

In settings where restrictive physical interventions may need to be employed regularly, i.e. where adults are working with children with extreme behaviours associated with learning disability or autistic spectrum disorders, the school has a policy on the use of such intervention, as part of a wider behaviour management policy. Individual care plans, drawn up in consultation with parents/carers and, where appropriate, the child, will set out the strategies and techniques to be used and those which should be avoided. Risk assessments will be carried out where it is foreseeable that restrictive physical intervention may be required.

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

Educational Visits and After School Activities

Adults should take particular care when supervising children and young people on trips and outings, where the setting is less formal than the usual workplace. Adults remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries. .

Where activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Children, young people, adults and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings must pay careful attention to ensuring safe staff/child ratios and to the gender mix of staff especially on overnight stays.

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

Transporting Pupils

There may be a few occasions when adults are expected or asked to transport children as part of their duties. Adults, who are expected to use their own vehicles for transporting children should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded. The child should never be alone in the vehicle with a single adult and wherever possible parental consent must be sought.

In any vehicle it is a legal requirement that all passengers should wear seat belts and it is the responsibility of the staff member to ensure that this requirement is met. Adults should also be aware of current legislation and adhere to the use of car seats for younger children. Where adults transport children in a vehicle which requires a specialist license/insurance e.g. PCV or LGV[[1]](#footnote-1)- staff should ensure that they have an appropriate licence and insurance to drive such a vehicle.

It is inappropriate for adults to offer lifts to a child or young person outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/carers.

There may be occasions where the child or young person requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

Home Visits

There are members of staff for whom home visits are an integral part of their work. In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard children and young people and the adults who work with them.

A risk assessment should include an evaluation of any known factors regarding the child/young person, parents and others living in the household. Risk factors such as hostility, child protection concerns, complaints or grievances can make adults more vulnerable to an allegation. Specific consideration should be given to visits outside of ‘office hours’ or in remote or secluded locations. Following an 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. There will be occasions where risk assessments are not possible or not available, e.g. when emergency services are used. In these circumstances, a record must always be made of the circumstances and outcome of the home visit. Such records must always be available for scrutiny.

Under no circumstances should an adult visit a child in their home outside agreed work arrangements or invite a child to their own home or that of a family member, colleague or friend. If in an emergency, such a one -off arrangement is required, the adult must have a prior discussion with a senior manager and the parents or carers and a clear justification for such arrangement is agreed and recorded.

The Use of Personal Living Space

No child or young person should be in or invited into the home of an adult who works with them, unless the reason for this has been firmly established and agreed with parents/ carers and a member of the Senior Leadership Team.

Under no circumstances should children or young people assist with chores or tasks in the home of an adult who works with them. Neither should they be asked to do so by friends or family of that adult.

Gifts, Rewards and Favouritism

The giving of gifts or rewards to children should be part of an agreed classroom or school routine for supporting positive behaviour or recognising particular achievements. In some situations, the giving of gifts as rewards may be accepted practice for a group of children, whilst in other situations the giving of a gift to an individual child will be part of an agreed plan, recorded and discussed with the member of the Senior Leadership Team responsible for the year group and the parent or carer.

It is acknowledged that there are specific occasions when adults may wish to give a child or young person a personal gift. This is only acceptable practice where, in line with the agreed policy, the adult has first discussed the giving of the gift and the reason for it, with the senior manager and/or parent or carer and the action is recorded. Any gifts should be given openly and not be based on favouritism. Adults need to be aware however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or groom a young person.

Adults should exercise care when selecting children and/or young people for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and open to scrutiny.

Care should also be taken to ensure that adults do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children, young people or parents wish to pass small tokens of appreciation to adults e.g. on special occasions 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. If in doubt please discuss gifts that you have received with a member of the Senior Leadership Team.

Access to Inappropriate Images and Internet Usage

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| There are no circumstances that will justify adults possessing indecent images of children. Adults who access and possess links to such websites will be viewed as a significant and potential threat to children. Accessing, making and storing indecent images of children on the internet is illegal. This will lead to criminal investigation and the individual being barred from working with children and young people, if proven.  Adults should not use equipment belonging to the school to access adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work with children. Adults should ensure that children and young people are not exposed to any inappropriate images or web links.  Where indecent images of children or other unsuitable material are found, the police and Local Authority Designated Officer (LADO) will be immediately informed. Adults should not attempt to investigate the matter or evaluate the material themselves, as this may lead to evidence being contaminated which in itself can lead to a criminal prosecution. Any such incident should be reported to the Headteacher immediately. |

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| Photography and Videos  Working with children and young people may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well being of children and young people. Informed written consent from parents or carers will have been sought when the child joined Nightingale and records of this should be held by the teacher and consulted before any images are shared beyond the school community, for example on the school website. Agreement, where possible, from the child or young person, should always be sought before an image is taken for any purpose.  Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet. Any images taken should either be deleted after their use or stored on the Nightingale server in an open-access folder.  Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings.  It is not appropriate for adults to take photographs of children for their personal use.  Personal ICT equipment (including phones) brought onto the School Premises  Personal ICT equipment brought in to school may only be used in classrooms with the specific agreement of the Headteacher and in most cases equivalent school equipment will be offered as an alternative. The use of personal equipment to take photographs of pupils (including cameras) is strictly prohibited.  Mobile phones should only be used during break and lunchtimes for personal communication. An exception to this is the phone carried by members of the Senior Leadership Team so that they may be contacted at any time. |

Confidentiality

Adults may have access to confidential information about children and young people in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. These details must be kept confidential at all times and only shared when it is in interests of the child to do so. Such information must not be used to intimidate, humiliate, or embarrass the child or young person concerned.

If an adult who works with children is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff or Desginated Child Protection lead.

Whilst adults need to be aware of the need to listen to and support children and young people, they must also understand the importance of not promising to keep secrets. Neither should they request this of a child young person under any circumstances.

Additionally, concerns and allegations about adults should be treated as confidential and passed to a senior manager without delay.

1. For further information see [www.dvla.gov.uk](http://www.dvla.gov.uk) [↑](#footnote-ref-1)