



# STAFF CODE OF CONDUCT

*This policy refers to both Wellington Senior School and Wellington Prep School*

Headmaster	Eugene du Toit
Author	Emily Weiss – Director of HR
Date Reviewed	February 2023
Date of Next Review	February 2024
Website	Yes

## 1. Overview

Relationships amongst staff and with pupils at Wellington School and Wellington Prep School are friendly and mutually respectful. Both the Senior and the Prep Schools seek to provide a safe and supportive environment that ensures the wellbeing and best outcomes for all pupils and supports our aims and values.

The Staff Code of Conduct has been formulated in order to maintain this balance by:

- clarifying the professional responsibility of all staff, teaching and non-teaching;
- giving clear advice about what constitutes illegal behaviour and what might be considered as misconduct; and
- establishing expectations of standards that all staff must maintain when carrying out school business or representing the School in any circumstance.

References to “**Staff**” throughout this policy relate to all of the following groups:

- all members of staff including teaching and support staff;
- governors;
- volunteers;
- casual workers;
- temporary and supply staff, either from agencies or engaged directly; and
- student placements, including those undertaking initial teacher training and apprentices.

The principles underlying the guidance aim to encourage Staff to achieve the highest possible standards of conduct and minimise the risk of inappropriate conduct occurring.

Staff are in a unique position of trust and influence as role models for pupils and must adhere to behaviour that sets a good example to all pupils within the School.

Staff also have an individual responsibility to maintain their reputation and the reputation of the School, both inside and outside working hours and whether they are inside or outside the work setting. This policy therefore applies equally when staff are conducting lessons online or when it is necessary for them to work from home.

The School requires that all Staff have read and agree to comply with this policy. Breach or failure to observe this Code of Conduct may result in action being taken under the School Disciplinary Procedure including, but not limited to, dismissal.

This Staff Code of Conduct is not an exhaustive list of acceptable and unacceptable standards of behaviour. In situations where guidance does not exist in this Code, Staff are expected to exercise their professional judgement and act in the best interests of the pupils and the School.

This Code should be read in conjunction with the Staff Handbook and the following related policies and procedures:

- Safeguarding Policy and Child Protection Procedures (including the Covid-19 Safeguarding Appendix / Addendum, where relevant);
- Equality Policy;
- E-Safety Policy;
- Health and Safety Policy;
- Anti-Corruption and Bribery Policy; and

- Whistleblowing Policy.

Staff are also required to read and understand Part One of the Department for Education's statutory guidance on safeguarding children and safer recruitment in education, Keeping Children Safe in Education. All senior members of Staff and those Staff working directly with children will also be required to read Annex A of Keeping Children Safe in Education in addition to Part One.

## **2. Standards of personal behaviour**

### **2.1 *Equal treatment***

The School is committed to equal treatment for all Staff and pupils regardless of their race or colour, nationality or national or ethnic origins, religion or belief, sex, sexual orientation, pregnancy or maternity, marital or civil partnership status, gender reassignment, age, and disability (together known as "Protected Characteristics").

Bullying, harassment, victimisation and/or discrimination will not be tolerated. We treat all our pupils and their parents fairly and with consideration which we expect them to reciprocate towards each other, the Staff and the School.

Everyone in the School has a part to play by ensuring that their own behaviour, whether intentional or unintentional, does not constitute harassment. The School will take action against inappropriate behaviour that shows lack of respect for others or which leads people to feel threatened.

### **2.2 *Relationships with other members of staff and other clients and customers of the School***

The School does not concern itself with the private lives of its staff unless they affect its effective operation or its reputation.

Members of staff who are relatives or who have a close personal relationship should not normally have a supervisory, assessing or authorising relationship with each other.

Employees must inform their line manager if they have a close personal relationship with another employee or a client or customer of the School that could be considered by colleagues, pupils or others, as impacting on the way they conduct themselves at work.

All staff, irrespective of job role, should be polite, helpful and professional towards each other. They should seek to be considerate and courteous at all times, even on occasions when there may be differences of opinion or challenge.

### **2.3 *Performance***

The School expects individuals to follow all reasonable rules and instructions given by those supervising or managing their activities and/or work areas.

### **2.4 *Attendance and Timekeeping***

Should you need to be absent or expect to be late for any reason, you should ask your Head of Department in advance when possible. If this is not possible, please contact your Head of Department at the earliest opportunity.

## **2.5 Use of language**

Staff must ensure that they use appropriate language at all times. Staff must:

- avoid words or expressions that have any unnecessary sexual content or innuendo;
- not use language that could be considered racist, sexist or homophobic;
- not use language that promotes extreme political ideas or that promotes any form of radicalisation;
- avoid any words or actions that are over-familiar;
- not swear, blaspheme or use any sort of offensive language in front of pupils; and
- understand that the use of sarcasm or derogatory words should be avoided when punishing or disciplining pupils and unprofessional comments about anyone must also be avoided;
- take care if engaging in humour with pupils and/or colleagues, however well intended.

## **2.6 Smoking and Vaping**

To promote a healthy and pleasant working environment and because of the fire risk, smoking (in any form, including the use of e-cigarettes) is not allowed anywhere on site or within any of the School's vehicles. You must not smoke or vape on school premises or outside school gates. Any member of staff wishing to smoke must leave the school grounds.

Staff must not smoke or vape whilst working with, or supervising pupils offsite.

## **2.7 Alcohol and Illegal Drugs**

Consumption of alcohol is not permitted on site, save where at a school function or as otherwise agreed when modest amounts of alcohol may be consumed. [Staff that reside on site may consume modest quantities of alcohol in private accommodation when they are not on duty.] Consumption of illegal drugs is never permitted.

Your conduct and performance must not be adversely impacted by alcohol or drugs when undertaking your duties.

It is a disciplinary offence to be on School premises and/or carrying out official duties when under the influence of non-medically prescribed drugs.

## **2.8 Gambling**

Gambling activities must not be conducted on School premises. Discretion may be used in relation to small raffles for charitable purposes, national lottery syndicates, occasional sweepstakes etc.

## **2.9 Conduct outside work**

The School does not seek to dictate how employees conduct themselves in their personal lives outside work. However, unlawful, anti-social or other conduct by employees that may jeopardise the School's reputation or position will be dealt with through the Disciplinary Procedure. In particular, a member of staff accused of a criminal offence is expected to inform the School at the earliest opportunity and failure to do so may be a disciplinary offence.

## **2.10 Dress code**

We regularly receive visits from parents, potential parents and others, and naturally wish to convey an impression of professionalism and organisation. Therefore, whilst not wishing to impose unreasonable obligations, Staff are, nonetheless, required to look smart in appearance at all times.

When working from home or remotely (including the delivery of online lessons, or virtual meetings using a virtual meeting platform such as Zoom and/or Teams) staff must ensure they are dressed appropriately in clothing that is smart and of a similar style to what they would wear on a normal school day.

## **3 Mobility and Flexibility**

Due to the demands and nature of the school, Staff should be prepared to transfer upon request within departments either temporarily or permanently and/or to undertake work of a different nature, providing it is reasonable and safe to do so and the individual is adequately trained. This may include working from home, if appropriate, and at the sole discretion of the School.

## **4 Use of Mobile Phones and Cameras**

Photographs will only be taken of children with their parents' permission. Photographs will only be taken by a designated staff member/s. Where photographs are taken by staff to give evidence of children's progress, photos can only be taken on School devices. They must then be downloaded onto School computers, where they will be monitored. Photographs cannot be used or passed on outside the School unless in accordance with the Taking, Using and Storing Images of Children Policy, which is available on the School website at Annex 4 of the E-Safety Policy.

Neither staff nor children may use their own mobile phones to take photographs within our EYFS setting, Nursery and up to Reception year in our School.

## **5 Physical contact with pupils**

There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role. Staff should therefore use their professional judgement at all times. Staff should not have unnecessary physical contact with pupils and should be alert to the fact that minor forms of friendly physical contact can be misconstrued by pupils or onlookers.

Physical contact must be appropriate for the age, understanding and sex of the child and must never threaten or be sexually inappropriate. Staff must also be sensitive to an individual's cultural background and any special educational needs.

### **5.1 Physical Restraint**

Any physical restraint is only permissible when a child is in imminent danger of inflicting an injury on himself/herself or on another, and then only as a last resort when all efforts to defuse the situation have failed. Another member of staff should, if possible, be present to act as a witness. All incidents of the use of physical restraint should be recorded in writing and reported immediately to the DSL/Heads who will decide what to do next. Where this relates to the School's Nursery/EYFS setting, parents will be informed of any physical restraint used on their child the same day or as soon as reasonably practicable.

## **5.2    *Physical education and other activities requiring physical contact***

Where exercises or procedures need to be demonstrated, extreme caution should be used if the demonstration involves contact with pupils and, wherever possible, contact should be avoided. It is acknowledged that some staff, for example, those who teach PE and games or performing arts, or who offer music tuition, will, on occasions, have to initiate physical contact with pupils in order to support a pupil so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the pupil's agreement.

Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment. Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

## **5.3    *One to one situations***

Staff working in one to one situations with children and young people are more vulnerable to allegations. Teachers and others should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure the safety and security needs of both staff and pupils are met.

Pre-arranged meetings with pupils away from the School premises should not be permitted unless approval is obtained from their parent and the Headmaster or another senior colleague with delegated authority.

Staff should:

- avoid meetings with pupils in remote or secluded areas of the School;
- ensure there is visual access or an open door;
- inform other staff of the meeting beforehand, assessing the need to have them present or close by; and
- always report any concerns to a senior colleague.

Staff are reminded that it is a criminal offence for a person aged 18 or over to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual.

## **5.4    *Intimate care***

All children have a right to safety, privacy and dignity when contact of an intimate nature is required (for example assisting with toileting or removing wet/soiled clothing). A care plan should be drawn up and agreed with parents for all children who require intimate care on a regular basis.

Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. When assistance is required, staff should ensure that another appropriate adult is in the vicinity and is aware of the task to be undertaken. Further information is contained in the Prep School Intimate Care Policy, which is available on the School website.

## **5.5    *Contact with pupils out of school***

Staff should not:

- arrange meetings with pupils off the School premises (whether in person or online) without the prior approval of the Head;
- arrange private tuition of any of the School's pupils in school or outside of school whether in term-time or outside of term-time without the prior written approval of the Head; and
- give pupils their home address or any of their personal contact details.

## **5.6 Relationships with pupils**

Staff should understand that they are in a position of trust in relation to pupils, giving them influence and power by virtue of the knowledge they have and/or the authority invested in their role. Staff should ensure that their relationship with pupils clearly takes place within the boundaries of a respectful, professional relationship and avoid behaviour which may be misinterpreted by others.

Staff are reminded that it is a criminal offence for a person aged 18 or over to have a sexual relationship with a child under 18 where that person is in a position of power, even if the child is over 16 and the relationship is consensual.

## **5.7 Infatuations**

On occasion, pupils may develop an infatuation for a member of Staff. If a member of Staff suspects or becomes aware of an infatuation, the advice of the Headmaster or a Deputy Head must be sought immediately.

Other members of Staff must alert a colleague to the possibility of an infatuation in order that appropriate steps can be taken.

Staff should deal with these situations sensibly and appropriately to maintain the dignity and safety of all concerned.

## **6 Transporting pupils**

It is inadvisable for a lone member of staff to give a lift in a car to a pupil. Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles, with at least one adult in addition to the driver acting as an escort. If there are exceptional circumstances that make unaccompanied transportation of pupils unavoidable, the journey should be made known to a senior member of staff e.g. matrons taking pupils to hospital / doctor's appointments.

Staff should ensure that the driver is not distracted while the vehicle is in motion for any reason other than an emergency and should also ensure all passengers are wearing correctly fastened seatbelts.

Prior to transporting pupils offsite, consent must be obtained from a pupil's parent/guardian and Staff should be aware that the safety and welfare of the pupils is their responsibility until they are safely passed back to their parent/carer.

## **7 Health and Safety**

All Staff have a duty to ensure that a safe working environment exists. Fire and evacuation procedures must be adhered to at all times and Staff are required to familiarise themselves with the procedures and their responsibilities set out in the Health and Safety Policy.

## **8 Security**

In the interests of security, Staff must wear their School lanyard at all times whilst on site. All Staff are responsible for ensuring that any visitors on site are accompanied at all times unless wearing a Blue or Green Lanyard. Anyone unaccompanied should be politely questioned.

Staff must not remove any School documents from the site without due permission. The School reserves the right to search the outer clothing, bags, lockers and vehicles etc. of employees whilst on site. Staff may have a colleague in attendance on such (rare) occasions.

## **9 Staff homes**

Pupils should not visit staff unaccompanied unless specifically agreed in writing by the DSL or the Headmaster, or the home has been designated by the School or regulatory body as a work place e.g. childminders, foster carers.

Staff must not allow pupils to stay in their homes overnight unless there is a friendship between a pupil and the child of a member of staff. In these cases, all such arrangements must be made with full parental consent. Where accommodation is provided by the School, the agreement of the Head of Boarding is also required.

## **10 Communication**

Good communication between all members of the School community is vital. All communication between Staff, pupils and parents should take place within clear, explicit and professional boundaries.

### **10.1 Communication with parents**

Tutors are expected to be the first point of contact between parents and the School, although enquiries will also come through the School Office. Staff can contact parents by telephone, email or letter. Microsoft Teams can also be used with prior arrangement. Staff should not contact pupils, parents or conduct any school business using personal email addresses. Where a member of Staff receives an email from a parent, a reply should normally be made within one working day. If a full reply cannot be made within that time, the member of Staff should send a brief acknowledgment e-mail and let the parent know when a fuller reply can be expected.

Staff sending emails to parents/carers are advised to send a copy (cc or bcc) to the Headmaster, the Deputy Head, the pastoral/line manager or the class teacher/tutor.

Staff must inform the Director of HR and their Line Manager if they receive an offensive email.

Staff should not give their personal mobile phone numbers or email addresses to pupils, nor should they communicate with them by text message or personal email. If they need to speak to a pupil by telephone, they should use one of the School's telephones and email using the School system. The group leader on all trips and visits involving an overnight stay may ask the pupils for their mobile numbers before allowing them out in small, unsupervised groups. The group leader will delete any record of pupils' mobile phone numbers at the end of the trip or visit and should ensure that pupils delete any staff numbers that they may have acquired during the trip.

Staff should be aware that it is not appropriate to use social media to communicate directly with pupils.

## **10.2 Communication with Pupils**

Staff should carefully consider the manner in which they communicate with pupils at all times so as to avoid any possible misinterpretation of their motives or behaviours.

Staff should not give their personal mobile phone numbers or email addresses to pupils, nor should they communicate with them by social media, text message or personal email. If they need to speak to a pupil by telephone, they should use one of the School's telephones and email using the School system. Any communication on video call platforms, such as Microsoft Teams or Zoom must be for professional reasons only and should accord with the rules of this policy at all times. Further guidelines on the use of telephones and Microsoft Teams when contacting pupils can be found in the School's Safeguarding Policy and Child Protection Procedures.

The group leader on all trips and visits involving an overnight stay should take a school mobile phone with him/her and may ask the pupils for their mobile numbers before allowing them out in small, unsupervised groups. The School mobile should be used for any contact with pupils that may be necessary. The group leader will delete any record of pupils' mobile phone numbers at the end of the trip or visit and should ensure that pupils delete any Staff numbers that they may have acquired during the trip.

Pupils should be encouraged to discuss with their parents or guardians any issues that are troubling them. It may be appropriate to suggest that a pupil sees the School's Mental Health Lead or a member of the pastoral team.

## **11 Self-employment, other employment or consultancy work**

The School understands that these types of opportunities can bring benefits to the School as well as to individual members of staff. All staff proposing to undertake a self-employment, other employment or consultancy work must secure the approval from the Headmaster or Director of HR and ensure that the proposed work is not in conflict or detrimental to the School's aims and objectives.

## **12 Intellectual property**

You are required to inform the School immediately of any invention, improvement, discovery, process, design or copyright which you create or obtain whilst in the School's employ or as a consequence of it. This will become the absolute property of the School except as otherwise stated by statute. You irrevocably waive all moral rights under the Copyright, Designs and Patents Act 1988 in any existing or future works created by you.

## **13 Gifts, rewards and favours**

Staff should take care to ensure that they do not appear to accept a gift that may be construed as a bribe or lead the giver to expect preferential treatment. Staff are required to familiarise themselves with the content of the School's Anti-Corruption and Bribery Policy.

Staff should exercise care when selecting pupils for school teams, productions, trips and/or specific work tasks in order to avoid perceptions of favouritism or injustice. Similar care should

be exercised when excluding a child from an activity without prior consultation with the Headmaster or a Deputy Head.

Staff should not give presents/rewards to an individual outside of the School reward system.

#### **14 Conflicts of interest**

The highest standards of behaviour are also expected in all areas of school life, especially where individuals are in positions to make decisions that may have significant impact on others. Staff should refer to the Conflict of Interests Policy for further information.

#### **15 Access to confidential information**

Although the School strives to conduct its business in an open fashion, there will be times when individuals, through their positions as members of committees, selectors/recruiters, line managers etc., become aware of confidential information, either about other individuals or in connection with the School's commercial/academic activities. Individuals should be aware of the need to keep such matters confidential and to respect the proper channels of communication for such information.

Staff members should never give absolute guarantees of confidentiality to pupils or adults wishing to tell them about something serious. They should guarantee only that they will pass on information to the minimum number of people who must be told in order to ensure that the proper action is taken to sort out the problem and that they will not tell anyone who does not have a clear need to know. They will also take whatever steps they can to protect the informing pupil or adult from any retaliation or unnecessary stress that might be feared after a disclosure has been made.

For specific guidance on the disclosure of any child protection related issues, please see the School's Safeguarding Policy and Child Protection Procedures, available on the School website.

#### **16 Use of equipment for non-work purposes**

The School will allow employees reasonable use of School equipment and facilities, provided that authorisation has been obtained from the Headmaster, that the use does not interfere or conflict with the work of the School, and that any costs are met by the individual.

#### **17 Private telephone calls**

Employees may use School telephone facilities to make occasional private calls for essential or emergency matters. Private international calls are not permitted without prior authorisation by the Director of Finance.

#### **18 Acceptable use of technologies**

Staff should ensure that they are familiar with and comply with the School's E-Safety Policy. In particular, Staff must:

- not engage in inappropriate use of social network sites which may bring themselves, the School or the School community into disrepute;
- adopt the highest security settings on any personal profiles they have;
- remain mindful of their digital footprint and exercise caution in all their use of social media or any other web-based presence they have. This includes written content,

videos or photographs and views expressed either directly or by 'liking' certain pages or posts or following certain individuals or groups;

- exercise care when using dating websites where Staff could encounter students; and
- not contact pupils, their guardians or family members, accept or initiate friend requests or follow pupils' or their guardians' accounts on any social media platform.

## **19 Raising matters of concern - Whistleblowing**

Employees have a right and a duty to raise concerns that they may have about breaches of the law or propriety by the School. For further information please refer to the School's Whistleblowing Policy, which is available on the School website.

## **20 Concerns or Complaints**

The School aims to create an atmosphere in which a diverse range of people can work together openly in the spirit of mutual respect and trust towards a common purpose. Nevertheless, we recognise that it is possible for misunderstandings and disagreements to arise or for mistakes to occur. For further information and guidance please refer to the Low-Level Concerns Policy at Appendix 1 (below).

### **20.1 Staff Complaints**

Complaints should be dealt with immediately and openly and Staff should try to resolve issues informally in the first instance. If this approach is impractical or unsuccessful, Staff may wish to raise their concerns more formally in accordance with the School's Grievance Procedure or Whistleblowing Policy, depending upon the nature of the concern.

### **20.2 Parental Complaints**

Staff must ensure that parental complaints are dealt with in accordance with the School's Complaints Procedure.

### **20.3 Safeguarding**

For procedures for dealing with allegations or concerns about a child or disclosures / allegations of abuse, Staff should refer to the School's Safeguarding Policy and Child Protection Procedures (including the Covid-19 Safeguarding Appendix / Addendum, where relevant).

## **21 Breaches of this code**

This Code of Conduct has been drawn up to provide a source of guidance to the School's staff. It is not a contractual document and can be amended at any time by the School. All staff must comply with both the provisions of this code and the School's policies and procedures, breaches of which will be taken seriously and may result in disciplinary action up to and including dismissal.

In certain circumstances staff may be referred to the Teaching Regulation Authority (TRA) and/or the Disclosure Barring Service (DBS). Please see the School's Safeguarding Policy and Child Protection Procedures for further details.

Staff are also reminded that this code of conduct is not exhaustive. The School's primary duty is towards the welfare of pupils and its staff. Individuals are encouraged to take a common-sense approach towards their conduct. Any staff member who has a concern or is unsure about an event that has arisen should discuss the matter with a senior colleague as soon as possible.

## **Annex 1 - Low-Level Concerns Policy**

### **1. Policy Statement**

- 1.1 Wellington School (“the School”) understands the importance of a positive culture where concerns can be identified and spoken about openly and acknowledges that this is a key element of a strong safeguarding system. This Low-Level Concerns Policy seeks to ensure that all staff who work with children behave appropriately and to enable the early identification and prompt and appropriate management of concerns.
- 1.2 As part of its whole school approach to safeguarding, the School will ensure that it promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.
- 1.3 Creating a culture in which **all** concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable the School to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the School are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the School.
- 1.4 This Low-Level Concerns Policy operates in conjunction (as appropriate) with the following<sup>1</sup>:
  - 1.4.1 School’s Safeguarding Policy and Child Protection Procedures
  - 1.4.2 E-Safety Policy
  - 1.4.3 Disciplinary Procedure
  - 1.4.4 Capability Procedure
  - 1.4.5 Grievance Procedure
  - 1.4.6 Whistleblowing Policy
  - 1.4.7 Data Protection Policy

### **2. Introduction to the concept and importance of sharing low-level concerns**

- 2.1 Behaviour which is not consistent with the standards and values of an organisation, and which does not meet the organisational expectations encapsulated in the School’s Staff Code of Conduct, needs to be addressed. Such behaviour can exist on a wide spectrum – from the inadvertent or thoughtless, through to that which is ultimately intended to enable abuse.

- 2.2 All staff need to be informed about and be able to identify concerning, problematic or inappropriate behaviour and understand the importance of sharing concerns when they observe behaviour which violates the School's Staff Code of Conduct.
3. **What is the Low-Level Concerns Policy?**
  - 3.1 The Low-Level Concerns Policy enables all staff to share any concerns – **no matter how small** – about their own or another member of staff's behaviour with the Headmaster or with the Designated Safeguarding Lead, who will then share them with the Headmaster. Safeguarding and promoting the welfare of children is everyone's responsibility.
4. **What is the purpose of the Low-Level Concerns Policy?**
  - 4.1 The purpose of the Low-Level Concerns Policy is to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour which are set out in the School's Staff Code of Conduct are constantly lived, monitored and reinforced by all staff.
5. **What are the aims of the Low-Level Concerns Policy?**
  - 5.1 The aims of the Low-Level Concerns Policy are to:
    - 5.1.1 ensure that staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour – in themselves and others, and the delineation of professional boundaries and reporting lines;
    - 5.1.2 empower staff to share any low-level concerns with the Headmaster or Designated Safeguarding Lead, and to help all staff to interpret the sharing of such concerns as a neutral act;
    - 5.1.3 address unprofessional behaviour and support the individual to correct it at an early stage;
    - 5.1.4 identify concerning, problematic or inappropriate behaviour – including any patterns – that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the Local Authority Designated Officer ("LADO");
    - 5.1.5 provide for responsive, sensitive and proportionate handling of such concerns when they are raised; and
    - 5.1.6 help identify any weaknesses in the School's safeguarding system.
6. **Definitions**
  - 6.1 Who does the policy apply to?
    - 6.1.1 The policy applies to all **staff** whether working in or on behalf of the School, engaged as a paid employee (including supply teacher), worker or contractor, or unpaid member of staff or volunteer. It also includes anyone who is part of the Governance Body.
    - 6.1.2 **Designated Safeguarding Lead (DSL)** means the DSL at the School.

- 6.1.3 **Governance Body** means those individuals who are responsible for the School's governance - i.e. the Board of Governors.
- 6.1.4 **Headmaster** means the Headmaster of the School.
- 6.1.5 **Deputy Headmaster** means the Deputy Head (Pastoral)
- 6.1.6 **HR Director** means the HR Director of the School

Details of the individuals currently in these roles can be found at Annexure 1.

- 6.2 **Allegation that may meet the harm threshold.** The term 'allegation' means it is alleged that an adult who works with children has:

- 6.2.1 behaved in a way that has harmed a child, or may have harmed a child; and/or
- 6.2.2 possibly committed a criminal offence against or related to a child; and/or
- 6.2.3 behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- 6.2.4 behaved or may have behaved in a way that indicates they may not be suitable to work with children.

In terms of managing cases of allegations that may meet the harm threshold, these might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school.

- 6.3 **Concern (including an allegation) that does not meet the harm threshold – i.e. a low-level concern.** The term 'low-level concern' does not mean that it is insignificant, it means that an adult's behaviour towards a child does not meet the harm threshold set out above (at paragraph 6.2). A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult may have acted in a way that:

- 6.3.1 is inconsistent with the School's Staff Code of Conduct, including inappropriate conduct outside of work; and
- 6.3.2 does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

Although it is important that staff feel comfortable with, and are clear about, the concept of low-level concerns, and know what to do if they have such a concern, they do not need to be able to determine in each case whether their concern is a low-level concern, or if it is not serious enough to consider a referral to the LADO, or whether it meets the threshold of an allegation. Once staff share what they believe to be a low-level concern, that determination should be made by the Headmaster.

The diagram at Annexure 2 further illustrates the distinction between an allegation that may meet the harm threshold, and a concern (including an allegation) that does not meet the harm threshold – i.e. a low-level concern.

## **7. School Culture**

- 7.1 The School promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School are dealt with promptly and appropriately.

## **8. Data Protection and Confidentiality / Respecting the rights of all**

- 8.1 The School will always respect the personal data of staff (and others, where they may be identifiable) in implementing the Low-Level Concerns Policy and in keeping records of low-level concerns secure.
- 8.2 The Data Protection Act 2018 includes a specific provision which permits organisations to process even the most sensitive personal data where necessary for the purposes of protecting children from harm. Although sharing of low-level concerns will not always involve legally sensitive categories of data, the safeguarding purpose is the same as that under the School's Safeguarding Policy and Child Protection Procedures.
- 8.3 A proportionate approach must be taken by all to considering what personal data is in fact necessary to share and record by way of low-level concern(s) in each case in order to support the safeguarding purpose and to ensure the information is accurate, fair and as far as possible recorded in neutral terms.
- 8.4 All staff are entitled, under data protection law, to ask to see the content of any low-level concern(s) retained by the School under the Low-Level Concerns Policy as it relates to them personally and to make any reasonable objection as to the fairness or accuracy of that content. The School will process such requests within the period prescribed by law, subject always to any necessary protection of the rights of third parties and unless any other relevant exemptions apply (including if complying with the request would be likely to prejudice the safeguarding purpose of the Low-Level Concerns Policy). If the content of a low-level concern is disputed, it may not be appropriate for the School to delete or alter the original record, but a note may be recorded alongside reflecting the staff member's alternative account or objection(s).
- 8.5 All personal data processed in connection with the Low-Level Concerns Policy will be processed in accordance with the School's Privacy Notices and its Data Protection Policy.

## **9. Who should staff share low-level concerns with?**

- 9.1 It is important that low-level concerns are shared with the Headmaster as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident) – although it is never too late to share a low-level concern.
- 9.2 If the Headmaster is absent for any reason, low-level concerns should be shared with the Deputy Headmaster who will ensure they inform the Headmaster immediately on their return.

- 9.3 If any low-level concern relates to the behaviour of the Headmaster, it should be referred to the Chair of Governors.
  - 9.4 If there is a conflict of interest in sharing a low-level concern with the Headmaster, the low-level concern should be shared with the Chair of Governors, unless there is conflict of interest in doing so, in which case it should be reported directly to the LADO.
  - 9.5 As an alternative option to sharing their concerns with the Headmaster, if they feel more comfortable doing so, staff may share any low-level concerns with the Designated Safeguarding Lead, who will then share it with the Headmaster.
  - 9.6 The diagram at Annexure 4 further illustrates who low-level concerns should be shared with.
- 10. Should staff who share low-level concerns be able to remain anonymous?**
- 10.1 Staff are encouraged to consent to be named when sharing low-level concerns, as this will help to create a culture of openness and transparency. If the staff member who raises a low-level concern does not wish to be named, the School will respect that person's wishes as far as possible. However, there may be circumstances where the staff member will need to be named (for example, where disclosure is required by a court or local authority, or under a fair disciplinary process) and, for this reason, the School will not promise anonymity to members of staff who share low-level concerns.
- 11. Should staff share concerns about themselves (i.e. self-report)?**
- 11.1 Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others. Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the School's Staff Code of Conduct. Self-reporting in these circumstances can be positive for a number of reasons, and staff are encouraged to self-report on the basis that:
    - 11.1.1 it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity;
    - 11.1.2 it demonstrates awareness of the expected behavioural standards and self-awareness as to the member of staff's own actions or how they could be perceived; and
    - 11.1.3 crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.
  - 11.2 The School's aim is to create an environment where staff are encouraged and feel confident to self-refer.
- 12. How should low-level concerns be shared and recorded?**
- 12.1 The concern can be shared verbally with the Headmaster in the first instance or Designated Safeguarding Lead, or a written summary of it can be provided to them and with the option of submitting a Low-Level Concerns Form at Annexure 3.

- 12.2 Where the low-level concern is provided verbally, the Headmaster or Designated Safeguarding Lead will make an appropriate record of the conversation, either contemporaneously or immediately following the discussion and will exercise sound professional judgment in determining what information is necessary to record for safeguarding purposes.
  - 12.3 Where a low-level concern relates to a person employed by a supply agency or a contractor, the School will notify that person's employer so that any potential patterns of inappropriate behaviour can be identified.
- 13. How should a low-level concern be responded to?**
- 13.1 Once the Headmaster has received the low-level concern, they will – not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them:
    - 13.1.1 Speak to the person who raised the low-level concern (unless it has been raised anonymously).
    - 13.1.2 Speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted).
    - 13.1.3 Speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted).
    - 13.1.4 If they are in any doubt, seek advice from the LADO – on a no-names basis if necessary.
    - 13.1.5 Review the information and determine whether the behaviour in question:
      - (a) is entirely consistent with the School's Staff Code of Conduct and the law;
      - (b) constitutes a low-level concern;
      - (c) is not serious enough to consider a referral to the LADO but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary;
      - (d) when considered with any other low-level concerns previously raised about the same person, could now meet the threshold of an allegation, and should be referred to the LADO/other relevant external agencies, and in accordance with the School's Safeguarding Policy and Child Protection Procedures, Part 4 of KCSIE 2021, and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership; or
      - (e) in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies, and in accordance with the School's Safeguarding Policy and Child Protection Procedures, Part 4 of KCSIE 2021, and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership.

- 13.1.6 Ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern, their determination, the rationale for their decision and any actions taken, and retain records in accordance with the Low-Level Concerns Policy.
- 13.1.7 Consider whether the concern also potentially raises misconduct or capability issues – taking advice from the Director of HR on a named or no-names basis where necessary – and, if so, refer the matter to the Director of HR.
- 13.2 Staff may also find it helpful to refer to the diagram at Annexure 4.
- 14. What action will be taken if it is determined that the behaviour is entirely consistent with the School's Staff Code of Conduct and the law?**
  - 14.1 The Headmaster will update the individual in question and inform them of any action taken (as above).
  - 14.2 The Headmaster will speak to the person who shared the low-level concern – to provide them with feedback about how and why the behaviour is consistent with the School's Staff Code of Conduct and the law.
- 15. What action will be taken if it is determined that the behaviour constitutes a low-level concern?**
  - 15.1 The Headmaster will respond in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively, whilst on the other hand protecting staff from any potential false allegations or misunderstandings. Any investigation of low-level concerns will be done discreetly and, on a need-to-know basis.
  - 15.2 Most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.
  - 15.3 Any such conversation with individuals in these circumstances will include being clear with them as to why their behaviour is concerning, problematic or inappropriate, what change is required in their behaviour, enquiring what, if any, support they might need in order to achieve and maintain that and being clear about the consequences if they fail to reach the required standard or repeat the behaviour in question. Ongoing and transparent monitoring of the individual's behaviour may be appropriate. An action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate.
  - 15.4 Some low-level concerns may also raise issues of misconduct or poor performance. The Headmaster will also consider whether this is the case – by referring to the School's disciplinary and/or capability procedure and taking advice from the Director of HR and/or taking specialist advice as necessary on a named or no-names basis where necessary.
  - 15.5 If the Headmaster considers that the School's disciplinary or capability procedure may be triggered, they will refer the matter to the Director of HR. If the Director of HR advises that the School's disciplinary or capability procedure is triggered, the

individual will have a full opportunity to respond to any factual allegations which form the basis of capability concerns or a disciplinary case against them.

- 15.6 Staff should be aware that when they share what they believe to be a low-level concern, the Headmaster will speak to the adult who is the subject of that concern (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted) – no matter how ‘low’ level the concern may be perceived to be, to gain the subject’s account – and to make appropriate records (as above), which may be referenced in any subsequent disciplinary proceedings.
  - 15.7 How the School responds to a low-level concern may be different depending on the employment status of the individual who is the subject of the concern - i.e. whether they are an employee or worker to whom the School’s disciplinary and/or capability procedure would apply; or a contractor, Governor, Trustee, Director or volunteer. The School’s response will be tailored accordingly.
- 16. What action will be taken if it is determined that the behaviour:**
- 16.1 **Whilst not sufficiently serious to consider a referral to the LADO nonetheless merits consulting with and seeking advice from the LADO, and on a no-names basis if necessary?** Then action (if/as necessary) will be taken in accordance with the LADO’s advice; or
  - 16.2 **When considered with any other low-level concerns that have previously been shared about the same individual, could now meet the threshold of an allegation, or in and of itself meets the threshold of an allegation?** Then it will be referred to the LADO/other relevant external agencies, and in accordance with the School’s Safeguarding Policy and Child Protection Procedures, Part 4 of KCSIE 2021 and the relevant procedures and practice guidance stipulated by the School’s Local Safeguarding Partnership.
- 17. How should low-level concerns be held?**
- 17.1 The School will retain all records of low-level concerns (including those which are subsequently deemed by the Headmaster to relate to behaviour which is entirely consistent with the School’s Staff Code of Conduct) in a central low-level concerns file.
  - 17.2 Where multiple low-level concerns have been shared regarding the same individual these will be kept in chronological order as a running record, and with a timeline alongside. These records will be kept confidential and held securely with access afforded only to a limited number of individuals such as the Headmaster, Chair of Governors, Designated Safeguarding Lead, Director of HR and Deputy Head Pastoral.
- 18. How often should the central low-level concerns file be reviewed?**
- 18.1 The Headmaster will review the central low-level concerns file periodically to ensure that all such concerns are being dealt with promptly and appropriately, and that any potential patterns of concerning, problematic or inappropriate behaviour are identified. A record of these reviews will be made.
  - 18.2 Where a pattern of behaviour is identified in respect of a specific individual, the Headmaster will also consider whether any wider cultural issues are at play that may have enabled the behaviour and/or whether the School should arrange for

additional training or a review of any of its policies to reduce the risk of it happening again.

## **19. How long should records of a low-level concern be kept?**

- 19.1 Low-level concerns will be retained securely by the School for as long as deemed relevant and necessary for a safeguarding purpose unless the School is required to disclose by law (for example, where the threshold of an allegation is met in respect of the individual in question). In most cases, once a staff member leaves the School, any low-level concerns which are held relating to them:
  - 19.1.1 will be retained at least until the destruction of the individual's personnel file; and
  - 19.1.2 will not be included in any onward reference, except as set out at paragraph 20.
- 19.2 Low-level concerns will be retained on the School's central low-level concerns file (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise.

## **20. References**

- 20.1 Where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated, it will be referred to in a reference.
- 20.2 Low-level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.

## **21. What is the role of the Governance Body?**

- 21.1 The Headmaster will regularly inform the Governance Body about the implementation of the Low-Level Concerns Policy and any evidence of its effectiveness, e.g. by including reference to it in any safeguarding reports and providing any relevant data.
- 21.2 The Governance Body will also review an anonymised sample of low-level concerns at regular intervals, in order to ensure that these concerns have been responded to promptly and appropriately.

## **22. Monitoring and Review**

- 22.1 The Low-Level Concerns Policy will be monitored to ensure that it is being effectively implemented in practice and will be reviewed annually by the Headmaster and in response to any relevant legislative, statutory or regulatory changes and/or changes in relevant guidance and/or safeguarding best practice.

## **Annexure 1 Details of individuals currently in the roles defined within the Low-Level Concerns Policy**

### **Headmaster**

Mr Eugene Du Toit

[headmastersoffice@wellington-school.org.uk](mailto:headmastersoffice@wellington-school.org.uk)

01823 668711

### **Wellington School – Designated Safeguarding Lead**

Mrs Samantha Dean, Head of Upper School

[s.dean@wellington-school.org.uk](mailto:s.dean@wellington-school.org.uk)

01823 668709

### **Wellington Prep School – Designated Safeguarding Lead**

Vics Richardson, Head

[v.richardson@wellington-school.org.uk](mailto:v.richardson@wellington-school.org.uk)

01823 668701

### **Wellington Prep School – Designated Safeguarding Lead, Early Years Foundation Stage**

Mrs Rachael Lucas, Head of Early Years

[r.lucas@wellington-school.org.uk](mailto:r.lucas@wellington-school.org.uk)

01823 668679

### **Wellington School - Deputy Designated Safeguarding Lead**

Mr Rowan MacNeary, Deputy Head (Pastoral)

[r.macneary@wellington-school.org.uk](mailto:r.macneary@wellington-school.org.uk)

01823 668891

### **HR Director – Level 3 Safeguarding trained**

Mrs Emily Weiss

[e.weiss@wellington-school.org.uk](mailto:e.weiss@wellington-school.org.uk)

01823 668806

## Annexure 2 – Spectrum of Behaviour

### Allegation

Behaviour which indicates that an adult who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child; and/or
- possibly committed a criminal offence against or related to a child; and/or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

### Low-Level Concern

Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out above. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult may have acted in a way that:

- is inconsistent with the School's Staff Code of Conduct, including inappropriate conduct outside of work; and
- does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

### Appropriate Conduct

Behaviour which is entirely consistent with the School's Staff Code of Conduct, and the law.





## Annexure 4 Sharing Low Level Concerns

### Sharing Low-Level Concerns (LLCs) – Action Required by Staff, Headmaster or Designated safeguarding Lead

If a member of staff has an **allegation that may meet the harm threshold** – they should follow the procedure in the School's Safeguarding Policy and Child Protection Procedures.

If a member of staff has what they **believe** to be a concern that does not meet the harm threshold – i.e. LLC – they should take the below action.

**KCSIE 2021 now requires low-level concerns to be shared with the Headmaster – unless they relate to the Headmaster – as per paragraph 74 of KCSIE 2021.**

#### ACTION REQUIRED

