

## BEHAVIOUR POLICY

### INTRODUCTION

This document details the policy adopted by SNAPS to help to ensure clearly defined appropriate behaviour and safeguarding applies to all of our clients, employees, contractors and volunteers.

All adults who come into contact with children in their work have a duty of care to safeguard and promote their welfare. The Children Act 2004, through the Stay Safe outcome of the Every Child Matters Change for Children programme, places a duty on service providers to safeguard and promote the well-being of children. This includes the need to ensure that all adults who work with or on behalf of children are competent, confident and safe to do so. The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children in their care. However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of adults can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.

Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children. It is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them are safe to do so. Some concerns have been raised about the potential vulnerability of adults in this area of work. It has been suggested that there is a need for clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. This document has been produced in response to these concerns and provides practical guidance for anyone who works with, or on behalf of children regardless of their role, responsibilities or status. It seeks to ensure that the duty to promote and safeguard the wellbeing of children is in part, achieved by raising awareness of illegal, unsafe and inappropriate behaviours.

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

### PURPOSE OF GUIDANCE

It is important that all adults working with children understand that the nature of their work and the responsibilities related to it, place them in a position of trust. This practice guidance provides clear advice on appropriate and safe behaviours for all adults working with children in paid or unpaid capacities, in all settings and in all contexts. The guidance aims to:

- keep children safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;

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- assist adults working with children to work safely and responsibly and to monitor their own standards and practice;
- support managers and SNAPS, as the employer, in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided;
- support SNAPS in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
- minimise the risk of misplaced or malicious allegations made against adults who work with children;
- reduce the incidence of positions of trust being abused or misused.

As an employer, SNAPS also has a Safeguarding Policy in place, and a Trustee who is our Safeguarding Officer.

## THE BOARD'S POLICY AND PROCEDURES FOR MANAGING ALLEGATIONS AGAINST STAFF

### UNDERPINNING PRINCIPLES

- The welfare of the child is paramount;
- It is the responsibility of all adults to safeguard and promote the welfare of children. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children;
- Adults who work with children are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Adults should work and be seen to work, in an open and transparent way;
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity;
- Adults should continually monitor and review their practice and ensure they follow the guidance contained in this document.

### CONTEXT

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

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### UNSUITABILITY

The guidance contained in this document is an attempt to identify what behaviours are expected of adults who work with children. Adults whose practice deviates from this guidance and/or their professional or employment-related code of conduct may bring into question their suitability to work with children or children and young people in any capacity.

### DUTY OF CARE

Staff are accountable for the way in which they exercise authority; manage risk; use resources; and protect children from discrimination and avoidable harm. All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from sexual, physical and emotional harm. Children have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of children. Failure to do so may be regarded as professional neglect.

The duty of care is, in part, exercised through the development of respectful, caring and professional relationships between staff and children and behaviour by staff that demonstrates integrity, maturity and good judgement. Parents have legitimate expectations about the nature of professional involvement in the lives of children. When individuals accept a role that involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

As an employer, SNAPS has a duty of care towards our employees and volunteers under the Health and Safety at Work Act 1974 which requires us to provide a safe working environment for staff and guidance about safe working practices. Thus, we have a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. Staff who are subject to an allegation should therefore be supported and the principles of natural justice applied.

The Health and Safety Act 1974 also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the staff duty of care towards children should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

### CONFIDENTIALITY

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

Confidential information about a child or young person should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the child's identity does not need to be disclosed the information should be used anonymously.

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

If a member of staff is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff or a Trustee. Any media or legal enquiries should be passed to a Trustee. The storing and processing of personal information about children is governed by the Data Protection Act 1998. Employers should provide clear advice to staff about their responsibilities under this legislation.

### **MAKING A PROFESSIONAL JUDGEMENT**

This guidance cannot provide a complete checklist of what is, or is not appropriate behaviour for adults in all circumstances. 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 should always be recorded and shared with a senior manager or Trustees. In undertaking these actions individuals will be seen to be acting reasonably. Adults should always consider whether their actions are warranted, proportionate and safe and applied equitably.

### **PROPRIETY AND BEHAVIOUR**

All adults working with children have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, children and families 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 could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with children. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour. Adults in contact with children should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour of an adult's partner or other family members may raise similar concerns and require careful consideration by an employer as to whether there may be a potential risk to children in the workplace.

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### INFATUATIONS

Occasionally, a child or young person may develop an infatuation with an adult who works with them. These adults should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

An adult, who becomes aware that a child or young person is developing an infatuation, should discuss this at the earliest opportunity with a Trustee and the parent concerned so appropriate action can be taken to avoid any hurt, distress or embarrassment.

### SOCIAL CONTACT

Adults should not establish or seek to establish social contact with children for the purpose of securing a friendship or to pursue or strengthen a relationship. If a child or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response. There will be occasions when there are social contacts between children and staff, where for example the parent and employee are part of the same social circle. These contacts however, will be easily recognised and openly acknowledged.

Nevertheless, there must be awareness on the part of those working with children and young people that some social contacts, especially where these are not common knowledge can be misconstrued as being part a grooming process. This can also apply to social contacts made through outside interests or through the staff member's own family. It is recognised that staff can 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 staff member for support outside their professional role. This situation should be discussed with the senior manager and where necessary referrals made to the appropriate support agency.

### SEXUAL CONTACT

All adults should clearly understand the need to maintain appropriate boundaries in their contacts with children. 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 may be regarded as a criminal offence and will always be a matter for disciplinary action. All children and young people are protected by specific legal provisions in this respect 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.

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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.

This means that adults should not:

- have sexual relationships with children;
- have any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact;
- make sexual remarks to, or about, a child/young person;
- discuss their own sexual relationships with or in the presence of children

This means that adults should:

- ensure that their relationships with children clearly take place within the boundaries of a respectful professional relationship;
- take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when members of staff are dealing with adolescent boys and girls.

### PHYSICAL CONTACT

There are occasions when it is entirely appropriate and proper for staff to have physical contact with children, but it is crucial that they only do so in ways appropriate to their professional role. A 'no touch' approach is impractical for most staff and will in some circumstances be inappropriate. When physical contact is made with children 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.

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

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible in an incident book and, if appropriate, a copy placed on the child's file.

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Physical contact, which occurs regularly with an individual child or young person, is likely to raise questions unless the justification for this is part of a formally agreed plan. Any such contact should be the subject of an agreed and open policy and subject to review. Where feasible, staff should seek the child's permission before initiating contact. Staff should listen, 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.

The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each child. Children with special needs may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

It is recognised that some children may seek inappropriate physical contact. Adults should be particularly aware of this especially 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.

### **OTHER ACTIVITIES THAT REQUIRE PHYSICAL CONTACT**

Some adults who work in certain settings 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. Such activities should be carried out in accordance with existing codes of conduct, regulations and best practice.

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. 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 informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

### **BEHAVIOUR MANAGEMENT**

All children 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 is not acceptable in any situation. The use of corporal punishment is not acceptable and is

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unlawful. Whilst there may be 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.

Where children display difficult or challenging behaviour, adults must follow the behaviour policy outlined and use strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

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 school/service.

### **CHILDREN IN DISTRESS**

There may be occasions when a distressed child needs comfort and reassurance and this may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. Adults should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

Where an adult has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager and parents/carers.

### **PERSONAL CARE**

Young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard young people and/or satisfy health and safety considerations. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

Adults need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the children with whom they work.

### **FIRST AID AND ADMINISTRATION OF MEDICATION**

Health and safety legislation places duties on all employers to ensure appropriate health and safety policies and equipment are in place and an appropriate person is appointed to take charge of first-aid arrangements. Any employee may volunteer to undertake this task but it is not a contractual requirement and appropriate training should be given before an individual takes on a role which may require administering first aid or medication.

### **ONE TO ONE SITUATIONS**

SNAPS has to consider one to one situations - it is not realistic to state that one to one situations should never take place. It is however, appropriate to state that where there is a need, agreed with a



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senior manager and/or parents/carers, for an adult to be alone with a child or young person, certain procedures and explicit safeguards must be in place. Adults should be offered training and guidance in the use of any areas of the workplace which may place themselves or children in vulnerable situations.

One to one situations have the potential to make a child more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with children 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 unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure the safety and security of children and the adults who work with them.

There are occasions where an employee will need to undertake a risk assessment in relation to the specific nature and implications of one to one work. These assessments should take into account the individual needs of the child and the individual worker and any arrangements should be reviewed on a regular basis. Pre-arranged meetings with children away from the premises should not be permitted unless approval is obtained from their parent and the Board or other senior colleague with delegated authority.

### SHARING CONCERNS AND RECORDING INCIDENTS

Individuals should be aware of the service's child protection procedures, including procedures for dealing with allegations against adults. All allegations must be taken seriously and properly investigated in accordance with 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 senior manager without delay. Adults should always feel able to discuss with their line manager any difficulties or problems that may affect their relationship with children so that appropriate support can be provided or action can be taken. It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of adults working with or on behalf of children.

REVIEW PROGRAMME:

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