

Staff Code of Conduct



Policy

Tiny Oaks Day Nursery sets out the Code of Conduct for all individuals working at Tiny Oaks Day Nursery, whether employed on a permanent, temporary or voluntary basis. All employees must follow this Code; deliberate breaches of the Code may be treated as a disciplinary offence.

Adults have a crucial role to play in the lives of children. This policy has been produced to help them establish the safest possible learning and working environments which safeguard children and reduce the risk of them being vulnerable to being accused of improper or unprofessional conduct.

As with all policies and procedures, we ask that staff use their professional judgement and act reasonably within the conditions provided in this document. All actions concerning children and young people must uphold the best interests of the young person as a primary consideration. Staff must always be mindful of the fact that they hold a position of trust, and that their behaviour towards the children and young people in their charge must be of the highest standard. This Code of Conduct is not intended to take away from the enhancing experiences children gain from positive relationships with staff. More importantly, it is intended to assist staff by offering guidance on good practice.

Procedure

The purpose of this code of conduct is:

- To identify boundaries and responsibilities.
- To agree communication and accountability.
- To explain what is expected of you as an employee.
- To ensure staff demonstrate high standards of conduct in order to encourage our children to do the same.
- To ensure that staff avoid putting themselves at risk of allegations of abusive or unprofessional conduct.
- To help staff understand what behaviour is and what is not acceptable.

It should be read in conjunction with:

- Your job description.
- Your contract of employment.

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- The nursery grievance procedures, disciplinary procedures and complaint procedures.
- All nursery policies and procedures.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that no policy can cover all eventualities. There may be times when professional judgements are made in situations not covered by this document and it is expected that in these circumstances staff will always advise their nursery manager of the justification for any such action already taken or proposed.

Underpinning principles

- The welfare of the child is paramount.
- Staff should understand their responsibilities to safeguard and promote the welfare of children.
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intention.
- Staff should work, and be seen to work, in an open and transparent way.
- Staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded.
- Staff should discuss and/or take advice promptly from their line manager if they have acted in a way which may give rise to concern.
- Staff should adhere to the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation.
- Whilst on duty, staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children.
- Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them; criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity.
- Staff and managers should continually monitor and review practice to ensure this policy is followed.
- Staff should be aware of and understand their nursery's safeguarding and child protection policy, arrangements for managing allegations against staff, whistle blowing procedure and their Local Safeguarding Children Partnerships (LSCP) procedures.

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Responsibilities

The employees should:

- understand the setting policies, procedures and protocols.
- act with a duty of care to all parties associated with the setting.
- act with integrity, sensitivity and in a manner that will be deemed as reasonable in all its dealings with children, parents/carers and colleagues.
- maintain client confidentiality and act accordingly with communications.
- take responsibility for their own training and development, ensuring they are appropriately trained for the work they undertake.

The nursery should:

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

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

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

All staff have a responsibility to keep children safe and to protect them from abuse (sexual, physical and emotional, neglect) and safeguarding concerns. 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 their safety and well-being. Failure to do so may be regarded as professional misconduct.

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

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Employers have duties towards their employees and others under Health and Safety legislation which requires them to take steps to provide a safe working environment for staff. Legislation also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of this policy.

Making professional judgements

Where no specific guidance exists staff should:

- Discuss the circumstances that informed their action, or their proposed action, with the nursery manager.
- always discuss any misunderstanding, accidents, or threats with the nursery manager.
- always record discussions and actions taken with their justifications.
- record any areas of disagreement and, if necessary, refer to the local authority or Ofsted.

This policy cannot provide a complete checklist of what is, or is not appropriate behaviour for staff. It does highlight, however, behaviour which is illegal, inappropriate or inadvisable. There will be rare occasions and circumstances in which staff have to make decisions or take action in the best interest of a child which could go against this policy 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 and in so doing, will be seen to be acting reasonably. These judgements should always be recorded and shared with a manager.

Confidentiality

Staff:

- need to know who their Designated Safeguarding Lead (DSL) is and be familiar with their local authority's referral mechanisms.
- are expected to treat information they receive about children and families in a discreet and confidential manner.
- should seek advice from a senior member of staff (DSL's) if they are in any doubt about sharing information they hold or which has been requested of them.
- need to be clear about when information can/must be shared and in what circumstances.

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- need to know the procedures for responding to allegations against staff and to whom any concerns or allegations (whistleblowing) should be reported.
- need to ensure that where personal information is recorded using modern technologies that systems and devices are kept secure.

The storing and processing of personal information is governed by the Data Protection Act 2018. Employers should provide clear advice to staff about their responsibilities under this legislation so that, when considering sharing confidential information, those principles should apply.

Staff may have access to confidential information about children and their families which must be kept confidential at all times and only shared when legally permissible to do so and in the interest of the child. Records should only be shared with those who have a legitimate professional need to see them.

Staff must never use confidential or personal information about a child or his/her family for their own, or others advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the child. Confidential information must 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.

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 responsibility to pass information on without delay, to the Designated Safeguarding Lead or the nursery manager following the procedures outlined in the safeguarding policy or whistleblowing policy

If a child - or their parent/carer - makes a disclosure regarding abuse or neglect, the member of staff should follow Tiny Oaks Day Nursery Safeguarding and Child Protection policy. The member of staff should not promise confidentiality to a child or parent but should give reassurance that the information will be treated sensitively. Staff should never feel any doubts when sharing concerns regarding children and their families and should always seek professional support from the DSL. Any media or legal enquiries should be passed to Tiny Oaks Day Nursery to manage the releases.

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Standards of behaviour

This means that staff should not:

- behave in a manner which would question their suitability to work with children or to act as an appropriate role model.
- make or encourage others to make sexual remarks to or about a child.
- use inappropriate language to or in the presence of children.
- discuss their personal or sexual relationships with or in the presence of children.
- make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate or might be interpreted as such.

This means that staff should:

- be aware that behaviour by themselves, those with whom they share a household, or others in their personal lives, may impact on their work with children.
- understand that a person who provides Early Years education or Childcare may be disqualified because of their "association" with a person living or employed in the same household who is disqualified.

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. They should adopt high standards of personal conduct in order to maintain confidence and respect of the general public and those with whom they work, which includes how they conduct themselves with other staff.

There may be times where an individual's actions in their personal life come under scrutiny from the community, the media or public authorities, including with regard to their own children or children or adults in the community. Staff should be aware that their behaviour, either in or out of the workplace, could compromise their professional position within the nursery in relation to the protection of children, loss of trust and confidence or bringing the employer into disrepute. Such behaviour may also result in prohibition from providing care and education for children, a bar from engaging in regulated activity or action by another relevant regulatory body.

The Childcare (Disqualification) Regulations 2009 set out grounds for disqualification under the Childcare Act 2006 where the person or a person living in the same household or employed in the same household meets certain criteria set out in the

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Regulations. For example, an individual will be disqualified where they have committed a relevant offence against a child; been subject to a specified order relating to the care of a child; committed certain serious sexual or physical offences against an adult; been included on the DBS children's barred list; been made subject to a disqualification order by the court; previously been refused registration as a childcare provider or provider or manager of a children's home or had such registration cancelled. A disqualified person is prohibited from providing relevant early or later years' childcare as defined in the Childcare Act 2006 or being directly concerned in the management of such childcare. Private childcare settings and nurseries are also prohibited from employing a disqualified person in respect of relevant early or later years' childcare.

Dress and appearance

This means that staff should wear clothing which:

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

The nursery provides either appropriate polo shirts and sweatshirts for wear during their working hours or an outlined expectation to ensure staff's appearance appropriate to their professional role. On request may be allowance for some personal choice or wish to exercise own cultural customs. This must be discussed with the Manager / Director prior to carrying them out.

Power and positions of trust and authority

Staff should not:

- use their position to gain access to information for their own advantage and/or a child's or family's detriment.
- use their power to intimidate, threaten, coerce or undermine children.
- use their status and standing to form or promote relationships with children which are of a sexual nature or which may become so.

As a result of their knowledge, position and/or the authority invested in their role, all those working with children in a nursery are in a position of trust in relation to all

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children registered at the nursery. The relationship between a person working with a child/ren is one in which the adult has a position of influence. It is vital for adults to understand this power; that the relationship, therefore, cannot be one between equals, and the responsibility they must exercise as a consequence.

The potential for exploitation and harm of vulnerable children means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff should always maintain appropriate professional boundaries, avoid behaviour which could be misinterpreted by others and report and record any such incident.

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence, as detailed in the Sexual Offences Act 2003, for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

Staff should also be aware that it is a criminal offence for anyone aged 18 or over to intentionally communicate with a child under 16, where the person acts for a sexual purpose and the communication is sexual or intended to elicit a sexual response. The offence applies to online and offline communication, including social media, emails, texts, letters, etc. It is therefore, important staff consider how communications and behaviours which may not meet the criteria of a criminal offence, may raise concerns to a level where there is a consideration of the position of trust and boundaries being breached which lead to an internal investigation, disciplinary or dismissal processes.

Gifts, rewards, favouritism and exclusion

Staff should:

- be aware of and understand their nursery's relevant policies, e.g. promoting positive behaviour.
- ensure that gifts received or given in situations which may be misconstrued are declared and recorded.
- where giving gifts other than as above, ensure that these are of insignificant value and given to all children equally.
- ensure that all selection processes of children are fair and these are undertaken and agreed by more than one member of staff.
- ensure that they do not behave in a manner which is either favourable or unfavourable to individual children.

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The nursery has policies in place regarding positive behaviour management, which covers the giving of gifts or rewards to children, which informs staff of what is expected of them.

Staff should exercise care when selecting children for specific activities, jobs or privileges in order to avoid perceptions of favouritism or injustice. Similar care should be exercised when children are excluded from an activity. Methods of selection and exclusion should always be subject to clear, fair, agreed criteria.

There are occasions when children or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is usually acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value. Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

Similarly, it is inadvisable to give such personal gifts to children or their families. This could be interpreted as a gesture either to bribe or groom. It might also be perceived that a 'favour' of some kind is expected in return.

Social contact and communication with parents and children

Staff should:

- not seek to communicate/make contact or respond to contact with parents/carers outside of the purposes of their work.
- never give out their personal details to parents/carers.
- not express personal opinions about the nursery where they work and/or events that may have occurred there on social media sites.
- not post on social media any form of inappropriate content, for example photographs and/or information that could cause offence or bring their profession into disrepute.
- only communicate with parents via nursery approved communication tools such as Class dojo, emails and Tapestry.
- always approve any planned social contact with children or parents with senior colleagues, for example when it is part of home-based learning provision.
- advise the nursery manager of any regular social contact they have with a child which could give rise to concern including new social contacts.
- inform nursery manager of any relationship with a parent where this extends beyond the usual parent/professional relationship.

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- ensure that they have discussed the boundaries of any pre-existing friendships and social contacts with parents with their line manager.
- inform nursery manager of any requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring direct any concerns raised directly to them about another member of staff through the appropriate channels.

It is acknowledged that staff may have genuine pre-existing friendships and social contact with parents of children, independent of the professional relationship.

Staff should, however, also be aware that professionals who sexually harm children often seek to establish relationships and contact outside of the workplace with both the child and their parents, in order to 'groom' the adult and the child and/or create opportunities for sexual abuse.

Staff should recognise that some types of social contact with children or their families could be perceived as harmful or exerting inappropriate influence on children, and may bring the nursery into disrepute (e.g. attending a political protest, circulating propaganda).

If a child or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should consult with their line manager at the first opportunity. This also applies to social contacts made through outside interests or the staff member's own family.

Some staff may, as part of their professional role, be required to support a parent/carer. Should the parent/carer seek to extend this support outside of the previously agreed professional role, this should be immediately discussed with senior management and where necessary referrals made to the appropriate support agency. Staff should be working as part of an agreed plan and not in isolation.

Physical contact

Staff should:

- never touch a child in a way which may be considered indecent.
- report and record situations which may give rise to concern.
- be aware of children who have a plan relating to their physical contact needs.
- be aware that even well-intentioned physical contact may be misconstrued by the child or an observer.
- always be prepared to explain actions and accept that all physical contact can be open to scrutiny.

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- always allow/encourage children, where able, to undertake self-care tasks independently.
- never indulge in horseplay or fun fights.
- always tell their line manager when and how they offered comfort to a distressed child.
- be aware of cultural or religious views about touching and be sensitive to issues of gender.
- Act in an open and friendly manner; physical punishment, violence or threatening behaviour will not be tolerated within our settings

The experience of physical contact is a subjective issue and will be experienced by each child differently according to their experiences. This is an area that can lead to misinterpretation and allegations of inappropriate behaviour. It is therefore essential that staff consider why they need to touch the child and whether it is really necessary.

There are occasions when it is entirely appropriate and proper for staff to have physical contact with children, however, it is crucial that they only do so in ways appropriate to their professional role and in relation to the child's individual needs, age, stage of development and any agreed care plan, and fully documented using incident forms.

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, maybe inappropriate in another, or with a different child.

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 action by them or a colleague could be misinterpreted, or if an action is observed which is possibly abusive, the incident and circumstances should be immediately reported to the Designated Safeguarding Lead, nursery manager and recorded.

Any physical contact should be appropriate to the circumstances at the time, of limited duration and appropriate to the child's age, stage of development, gender, ethnicity and background. Staff should, therefore, use their professional judgement at all times. 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.

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. Staff need to be aware that the child may associate physical contact with such experiences. They also should recognise that these children may seek out

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inappropriate physical contact. In such circumstances, staff should deter the child sensitively and help them to understand the importance of personal boundaries.

Home visits

Staff should:

- never take a child to their own home, the only exception is where it is part of a previously agreed arrangement.
- agree the purpose for any home visit with their nursery manager.
- adhere to agreed risk control strategies.
- avoid unannounced visits wherever possible.
- ensure there is visual access and/or an open door in one-to-one situations.
- always make detailed records including times of arrival and departure.
- ensure any behaviour or situation which gives rise to concern is discussed with their manager.

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

It is essential that appropriate policies and related risk assessments are in place to safeguard both staff and children, who can be more vulnerable in these situations.

A risk assessment should be undertaken prior to any planned home visit taking place. The assessment should include an evaluation of any known factors regarding the child, parents/carers and any others living in the household. Consideration should be given to any circumstances which might render the staff member becoming more vulnerable to an allegation being made e.g. hostility, child protection concerns, complaints or grievances.

Specific thought should be given to visits outside of 'office hours' or in remote or secluded locations. Following the assessment, appropriate risk control measures should be in place before the visit is undertaken. In the unlikely event that little or no information is available, visits should not be made alone.

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Babysitting

Staff should:

- be clear with parents that providing babysitting or care outside of the nursery is a private agreement between the individual and the parents.
- not transport the child to and from the nursery.

If an employee offers a babysitting service, then this is a private agreement between the parent and employee in which the nursery will not be held liable, this must be made clear to the parents.

It is not acceptable for a member of staff to transport a child by car directly to and from the nursery. The member of staff transporting the child does so as a private arrangement and must ensure they have their own insurance. The setting accepts no liability for the child once off the premises. During this private arrangement, the staff member is not conducting duties on behalf of Tiny Oaks Day Nursery, therefore any resources, documentation or staff uniform must not be used.

Definitions

For ease of reading, references will be made to 'nursery'. This term applies to Tiny Oaks Day Nursery setting.

References made to 'child' and 'children' refer to children registered to attend the nursery. However, the principles of the document apply to professional behaviours towards all children including those over the age of 18 years. 'Child' should, therefore, be read to mean any child at the nursery.

References made to 'employee', 'individual', 'adults' and 'staff' refer to all those who work with children at a nursery, in either a paid or unpaid capacity. This would also include, for example, those who are not directly employed by the nursery e.g. Local Authority staff, sports coaches. It would be good practice to also share this document with the volunteers in the nursery.

The term 'allegation' means where it is alleged that a person who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child;

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

References are made in this document to legislation and statutory guidance which differ dependent on the nursery and alter over time. However, the behavioural principles contained within the document remain consistent, hence, wherever possible, such references have been removed in order that the document does not appear to quickly become out of date.

Linked Policies

Allegations against a member of staff policy

Safeguarding policy

Whistle blowing policy

This policy was adopted on	Signed on behalf of the nursery	Date for review
16/1/2023	<i>m khaira</i>	16/01/2024