

Staff Code of Conduct

1. Introduction

This code sets out the professional standards expected of staff in Borders College.

We expect all staff to enact the values of the College:-

- Responsible
- Respectful
- People Centered

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

Staff are expected to make responsible, professional and informed judgements about their own behaviour in order to secure the best interests and welfare of student, colleagues and the whole College community.

This code highlights behaviour that is illegal, inappropriate, or inadvisable in relation to professional standards

Some breaches of this code may be considered low level concerns which may be dealt with under the disciplinary procedure. (see separate Allegations of abuse against staff and low-level concerns policy)

Some breaches of this code may constitute gross misconduct and, as such, may result in summary dismissal. (see separate Disciplinary policy)

References made to adults and staff refer to all those who work in the College, in either a paid or unpaid capacity. This would also include, for example, those who are not directly employed by the College, e.g. local authority staff, sports coaches, governors, or schools.

References made to children or students who are all student under 18. However, the principles of the code apply to professional behaviours towards all student in the College, including those over the age of 18. 'Child should therefore be read to mean any student in the College.

2. Principles

- Staff should always act in accordance with the law, professional standards, and College policies.
- Staff should apply professional standards in line with the Equalities Act 2010.
- Staff should understand their responsibilities to safeguard and promote the welfare of students.

- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions or cross the boundaries of unprofessional conduct.
- Staff should work, and be seen to work, in an open and transparent way including self-reporting if their conduct or behaviour falls short of these guiding principles.
- 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 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 Scotland from working in regulated activity, or for acts of serious misconduct prohibition from teaching.
- Staff and leaders should continually monitor and review practice to ensure this guidance is followed.
- Staff should be aware of and understand the safeguarding and child protection policy, arrangements for managing allegations against staff including low-level concerns, and whistleblowing procedures.

3. References, legislation and guidance

Associated policies

The College has a significant number of policies covering a wide range of areas mentioned in this code.

- They are all available on the College web site.
- It is the responsibility of staff to ensure they know how to access these policies and to consult them when necessary.

This Staff Code of Conduct should be read in conjunction with:

- Safeguarding and Child Protection Policy
- Whistleblowing policy
- Grievance Policy
- Disciplinary Policy
- Health and Safety Policy
- Equality and Diversity Policy

Legislation and the law

- The Public Sector Equality Duty
- Human Rights Act
- Equality Act 2010

- Health and Safety at Work Act

4. Responsibilities

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

5. Making professional judgements

This code 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 contravene this guidance or where no guidance exists.

Staff are expected to make judgements about their behaviour in order to secure the best interests and welfare of the student 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.

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

6. Power and Positions of College and Authority

As a result of their knowledge, position and/or the authority invested in their role, all those working with student in a College or education setting are in a position of trust in relation to all student.

A relationship between an adult and a child is not a relationship between equals; the adult has a position of power or influence. It is vital for adults to understand this power and the responsibility they must exercise as a consequence.

There is potential for exploitation and harm of students, and staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

This means that 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

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

This is as relevant in the online world as it is in the offline world; staff engaging with students and / or parents online have a responsibility to model safe practice at all times.

7 Sexual contact with students

Where a person aged 18 or over is in a position of responsibility in a college with a child under 18, it is an offence 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.

Students are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether there is consent or not.

Sexual behaviour includes non-contact activities, such as causing a child to engage in or watch sexual activity or the production of indecent images of students.

Adults must not have sexual relationships with students or have any form of communication with a child, which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, texts, electronic mail, phone calls, social networking contact or physical contact.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the College of a child and manipulate that relationship so that sexual abuse can take place. Adults should be aware that conferring special attention without good reason or favouring a child has the potential to be construed as being part of a 'grooming' process, which is a criminal offence.

If an employee is concerned at any point that an interaction between themselves and a child may be misinterpreted or is concerned at any point about a fellow member of staff and a child, this should be reported to the People Services immediately.

8 Infatuations and Crushes

A child may develop an infatuation with an adult who works with them. An adult, who becomes aware (may receive a report, overhear something, or otherwise notice any sign, no matter how small or seemingly insignificant) that a child has become or may be becoming infatuated with them or a colleague, must report this without delay to their line manager or People Services, so that appropriate action can be taken to avoid any hurt, distress, or embarrassment.

9 Setting an example

All staff set examples of behaviour and conduct which can be copied by students.

All staff will: -

- demonstrate the highest standards of conduct and encourage students to do the same
- show tolerance and respect for the rights of others
- maintain high standards of honesty and integrity in their role. This covers conduct including but not limited to interactions with colleagues, student and their families, in financial matters – i.e. handling money or claiming expenses, and using College property and facilities.
- not act in a way that would bring the College or the teaching profession, into disrepute.

(This covers conduct including but not limited to relevant criminal offences, such as violence or sexual misconduct, as well as negative interaction on social media.)

- avoid putting themselves at risk of allegations of abusive or unprofessional conduct.
- avoid using inappropriate or offensive language at all times.
- not express personal beliefs in a way that will not overly influence students and will not exploit student's vulnerability or might lead them to break the law.

Please note that this list is not exhaustive. If situations arise, staff must use their professional judgement and act in the best interests of the College and its student.

10 Professional Standards

Lecturing staff should make themselves aware of the Professional Standards for Lecturers in Scotland's Colleges and must abide by these standards.

Other staff are expected to abide by their own profession's industry standards

11 Propriety, behaviour and appearance

Staff working with students have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of students.

An adult's behaviour or actions, either in or out of the workplace, must not compromise their position within the work setting, or bring the College into disrepute.

Non-exhaustive examples of unacceptable behaviour are contained in our disciplinary procedure/rules.

Individuals should not behave in a manner which would lead any reasonable person to:

- Question their suitability to work with students
- Make, or encourage others to make sexual remarks to, or about, a child
- Use inappropriate language to or in the presence of student
- Discuss their personal or sexual relationships with or in the presence of students
- Make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such

12 Appearance

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs.

However, staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily different to that adopted in their personal life.

Staff should ensure they are dressed safely and appropriately for the tasks they undertake; this also applies to online or virtual teaching.

Those who dress or appear in a manner which could be viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegation.

13 Safeguarding

Duty to report concerns about student to the Designated Safeguarding Lead

The duty to safeguard, includes the duty to report concerns about a child to the College's Designated Safeguarding Lead.

An employee who fails to bring a matter of concern to the attention of the relevant person (i.e. line manager, senior leader etc.) and/or the relevant agencies may be subject to disciplinary action

Duty to report concerns about an individual's suitability to work with student.

There is a duty to report (including self-reporting) any incident in which an adult has or may have behaved in a way that is inconsistent with this code of conduct including inappropriate behaviours inside or outside of work or online.

Whistleblowing is a mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion in circumstances where their concerns have not been dealt with or they do not feel able to follow usual reporting lines for some reason.

Further details and guidance can be found in the College's Whistleblowing and Safeguarding Policy

14 Allegations of abuse against staff & low-level concerns

Staff are required to report concerns about adults where it is alleged that an adult has:

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

Low-level concerns about members of staff

- i. A low-level concern is a behaviour towards a child by an employee that does not meet the harm threshold, is inconsistent with the employee code of conduct, and may be as simple as causing a sense of unease or a 'nagging doubt'.
- ii. Low-level concerns can include inappropriate conduct inside and outside of work.
- iii. All employees should share any low-level concerns they have using the reporting procedures through their line manager or People Services.
- iv. We also encourage employees to self-refer if they find themselves in a situation that could be misinterpreted. If employees are not sure whether behaviour would be deemed a low-level concern, we encourage the employee to report it.

15 Health and Safety

Employees have a responsibility to take reasonable care of their own health and safety and that of others that may be affected by what they do to ensure the safety of all students and staff

Any hazards found or concerns of a safety or physical security matter must be dealt with where safe to do so and/or reported immediately to their line manager

All accidents, incidents and near misses must be recorded via the net accident reporting form.

Further details and guidance can be found in the College's Health and Safety Policy

16 Whistleblowing

Adults must raise concerns by following the Whistleblowing Policy. An adult who raises a matter under the whistleblowing policy or makes a public interest disclosure will have the protection of the relevant legislation.

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17 Confidentiality and data protection

As data controllers, all College staff are subject to the General Data Protection Regulation (GDPR) and Data Protection Act 2018 ("Data Protection Legislation").

In addition, teachers owe a common law duty of care to safeguard the welfare of students. This duty is acknowledged in the provisions governing disclosure of information about students.

Adults may have access to special category personal data about students and their families, which must be kept confidential at all times and only shared when legally permissible to do so and in the interests of the child. Records should only be shared with those who have a legitimate professional need to see them.

Information about student must not be held off the College site other than on security protected College equipment. The information must only be stored for the length of time necessary to discharge the task for which it is required.

If an adult is in any doubt about the storage or sharing of information, they must seek guidance from the Designated Safeguarding Lead.

Any media or legal enquiries must be passed to Marketing.

18 Gifts, rewards, favouritism, and exclusion

It is against the law for public servants to take bribes.

Adults need to take care that they do not accept any gift that might be construed by others as a bribe or lead the giver to expect preferential treatment.

Further details can be found in the College's Financial Regulations

19 Social contact and social networking

Communication between student and staff, by whatever method, should take place within clear and explicit professional boundaries.

This includes the wider use of technology such as mobile phones, tablets, text messages, emails, instant messages, websites, social media such as Facebook, X, Instagram, chatrooms, forums, blogs, apps such as WhatsApp, gaming sites, digital cameras, videos, webcams, and other handheld devices.

Staff must not give their personal contact details such as home/mobile phone number, home or personal e-mail address or social networking details to students.

It is recommended that staff ensure that all possible privacy settings are activated to prevent students from making contact on personal profiles and to prevent student from accessing photo albums or other personal information which may appear on social networking sites.

It is also recommended that staff regularly search for themselves, in context, online to check what is publicly available.

Staff must ensure that their online profiles are consistent with the professional image expected by the College and must not post material which damages the reputation of the College, or which causes concern about their suitability to work with student

Staff who post material which may be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct which may be dealt with under the disciplinary procedure. Even where it is made clear that the writer's views on such topics do not represent those of the College, such comments are inappropriate.

Staff are advised not to have any online friendships with any child under the age of 18 unless they are family members or close family friends.

Adults are also advised not to have online friendships with parents or carers of student or members of the governing body/ College.

Where such online friendships exist, adults must ensure appropriate professional boundaries are maintained.

It is acknowledged that adults may have genuine friendships and social contact with parents or carers of students, independent of the professional relationship. In these cases, in the spirit of openness and transparency, the principal should always be informed.

Some employees may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the employee or seeks support outside of their professional role this should be discussed with the principal.

Further details and guidance can be found in the College's Use of Social Media Policy.

One to one situation and meetings with students

One to one situations have the potential to make students more vulnerable to harm by those who seek to exploit their position of College. Staff working in one-to-one settings with students may also be more vulnerable to unjust or unfounded allegations being made against them.

Adults must recognise this possibility and must risk assess, plan and conduct such meetings accordingly.

Home visits where the adult enters the home of the student must never be conducted alone.

Staff must not enter a student's home if the parent/carer is not there.

Further details and guidance can be found in the College's Safeguarding Policy.

20 Transporting students

Staff should never offer to transport students outside of their normal working duties, other than in an emergency or where not doing so would mean the student may be at risk.

In these circumstances the matter should be agreed by the Director of Student Services, recorded and reported to the child's parent(s).

It is a legal requirement that all passengers wear seatbelts and the driver should ensure that they do so. They should also be aware of and adhere to current legislation regarding the use of car seats / booster seats for younger students.

Further details and guidance can be found in the Health and Safety Policy

21 Educational visits and College clubs

Staff should take particular care when supervising students in the less formal atmosphere of an educational visit, particularly in a residential setting, or "after-school" activity. Adults remain in a position of responsibility and the same standards of conduct apply.

22 Photography, videos and other images

An image of a child is personal data. It is a requirement under data protection legislation that explicit consent is obtained unless an alternative legal justification for processing this data is applicable.

Staff must be aware of the potential for such images to be taken and/or misused to create indecent images of students and/or for 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken.

Staff should remain sensitive to any child who appears uncomfortable and should recognise the potential for misinterpretation. It is also important to take into account the wishes of the child, remembering that some students do not wish to have their photograph taken.

Staff should only use equipment provided or authorised by the College to make/take images/recordings and should not use personal equipment, mobile telephones or any other similar devices to make/take images/recordings.

23 Use of mobile phones and ICT facilities

Staff will not use College technology to view material that is illegal, inappropriate, or likely to be deemed offensive.

Indecent images of students

If indecent images of students are discovered at the premises or on the College's equipment/devices, an immediate referral should be made to the principal who will inform the police, LADO, and student's social care in accordance with local arrangements immediately.

The images/equipment should be secured, should not be used by others and should be isolated from the network.

There should be no attempt to view, tamper with or delete the images as this could jeopardise any necessary criminal investigation.

Personal data

Personal data will be stored in accordance with the College's privacy notices and the Acceptable Use Policy

If necessary, information may be handed in to the police in connection with a criminal investigation.

Online bullying or harassment

Online bullying can be experienced by staff as well as students. Staff should notify People Services if they are subject to online bullying or harassment.

The College will endeavour to protect staff and support them to stop any inappropriate conduct.

24 Monitoring and review

The Director of People Services is responsible for monitoring the implementation, use and effectiveness of this code.

STAFF CODE OF CONDUCT

STAFF DECLARATION

I confirm that I have received a copy of the Staff Code of Conduct and understand the conduct expectations as contained within the code.

Signed: _____

Print Name: _____

Job Title: _____

Date: _____