

Oakfield School

26. Professional Boundaries Policy



To be Reviewed:	October 2020
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POLICY STATEMENT

Duty of Care

In the education and care context, *Duty of Care* is a common law concept that refers to the responsibility of staff to provide children and young people with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect children and young people from all reasonably foreseeable risk of injury. The question of what constitutes reasonable care in any given case will be determined objectively by a court and will depend on the individual circumstances of each case. The courts have found that the standard of care owed by education and care providers to children and young people is very high. In their relationships with children and young people, staff are required to ensure that the physical and emotional welfare of children and young people is safeguarded, and that their own behaviour is guided by this duty of care both within and beyond the education and care setting.

Professional Boundaries

Education and care professions rely on the fostering of positive relationships between adults and children and young people. Learning and care settings are places where all staff can have significant influence in the lives of children and young people because the relationship involves regular contact over relatively long periods of time. These features of education and care professions make it extremely important that staff understand how to foster positive relationships in ways that do not compromise children and young people's welfare.

PROCEDURE

The professional boundaries outlined in these guidelines apply beyond specific education or care sites and beyond specific cohorts of children and young people. For example, where staff are participating or have participated in interschool sport events or combined school trips or camps, they are expected to respect professional boundaries with all the children and young people involved in those activities. The following examples will assist staff in establishing and maintaining expected boundaries. This list is not exhaustive.

Boundary	Examples of violation
Communication	<ul style="list-style-type: none">✘ Inappropriate comments about a child/young person's appearance, including excessive flattering comments✘ Inappropriate conversation or enquiries of a sexual nature (e.g. questions about a child or young person's sexuality or his/her sexual relationship with others)✘ Disrespectful or discriminatory treatment of, or manner towards, young people based on their perceived or actual sexual orientation✘ Use of inappropriate pet names✘ Vilification or humiliation✘ Jokes or innuendo of a sexual nature✘ Obscene gestures and language

	<ul style="list-style-type: none"> ✗ Facilitating/permitting access to pornographic material ✗ Facilitating/permitting access to sexually explicit material that is not part of endorsed curriculum ✗ Failing to intervene in sexual harassment of children and young people ✗ Correspondence of a personal nature via any medium (e.g. phone, text message, letters, email, internet postings) that is unrelated to the staff member's role. This does not include class cards/bereavement cards etc.
Personal disclosure	<ul style="list-style-type: none"> ✗ Discussing personal lifestyle details of self, other staff or children and young people unless directly relevant to the learning topic and with the individual's consent
Physical contact	<ul style="list-style-type: none"> ✗ Unwarranted or unwanted touching of a child or young person personally or with objects (e.g. pencil or ruler) ✗ Corporal punishment (physical discipline, smacking etc) ✗ Initiating, permitting or requesting inappropriate or unnecessary physical contact with a child or young person (e.g. massage, kisses, tickling games) or facilitating situations which unnecessarily result in close physical contact with a child or young person ✗ Inappropriate use of physical restraint (see p 12)
Place	<ul style="list-style-type: none"> ✗ Inviting/allowing/encouraging children and young people to attend the staff member's home (see p 5 community considerations) ✗ Allowing children and young people access to a staff member's personal internet locations (e.g. social networking sites) ✗ *Attending children and young people's homes or their social gatherings ✗ *Being alone with a child or young person outside of a staff member's responsibilities ✗ Entering change rooms or toilets occupied by children or young people when supervision is not required or appropriate ✗ *Transporting a child or young person unaccompanied ✗ Using toilet facilities allocated to children and young people ✗ Undressing using facilities set aside for children and young people, or in their presence <p><small>*Unless agreed by Line Manager</small></p>
Targeting individual	<ul style="list-style-type: none"> ✗ Tutoring (outside education sector's directions or knowledge) children and young people ✗ Giving personal gifts or special favours ✗ Singling the same children and young people out for special duties or responsibilities ✗ Offering overnight/weekend/holiday care of children and young people as respite to parents (unless a family day care educator, or employed by a respite organisation and with the Head Teacher's knowledge)

Role	<ul style="list-style-type: none"> ✘ Adopting an ongoing welfare role that is beyond the scope of their position or that is the responsibility of another staff member (e.g. a counsellor) or an external professional, and that occurs without the permission of senior staff ✘ Photographing, audio recording or filming children or young people via any medium when not authorised by the school leadership team to do so and without required parental consent ✘ Using personal rather than school equipment for approved activities, unless authorised by the school leadership team to do so
Possessions	<ul style="list-style-type: none"> ✘ Correspondence or communication (via any medium) to or from children and young people where a violation of professional boundaries is indicated and where the correspondence has not been provided to the school leadership team by the staff member ✘ Still/moving images or audio recordings of children and young people on personal equipment or kept in personal locations such as car or home that have not been authorised by the school leadership team ✘ Uploading or publishing still/moving images or audio recordings of children and young people to any location, without parental and school leadership team consent

Professional boundary violations by a staff member represent a breach of trust, a failure to meet a duty of care to children and young people, and a failure to follow conduct requirements of the employer. When staff violate boundaries they risk:

- Harmful consequences for the child or young person
- Seriously undermining the learning process
- Seriously undermining their professional reputation and the confidence of the education or care community in their suitability to work with children and young people
- Formal directions or other disciplinary action from their employer or registering/regulating authority.

Any concern a staff member has about whether a situation may compromise or breach a professional relationship should be discussed with a member of the School Leadership Team and an approved plan of action developed and followed.

Managing professional boundaries

Working in local communities

Staff working in local communities face additional challenges in managing professional boundaries. They are more likely to have social relationships with the parents of the children and young people with whom they work and are, therefore, more likely to share social and sporting events or membership at various community clubs or associations.

This means they will have legitimate reasons, on occasions, to attend social events with the children and young people with whom they work, to visit their homes or to be visited by them in the company of their parents. These social engagements are an important part of community life and a positive contribution to the wellbeing of staff working in local communities.

Following the advice below will assist staff to enjoy these social engagements without compromising their professional responsibilities. The guiding principles in managing these situations are that:

- Social contact should be generated via the relationship the staff member has with the parents of children and young people or by an event (such as a sporting event)
- Staff should avoid being alone with children and young people in these situations
- Staff should conduct themselves in a way that will not give others reason to question their suitability to work with children and young people and that will not create discomfort for children and young people in their learning relationship with them.
- Consuming alcohol in these situations may lessen a staff member's capacity to judge when a professional boundary is at risk
- Staff should politely refuse to discuss matters relating to the workplace and should not discuss children and young people's learning or social progress other than at times specifically set aside for that purpose
- Any concern a staff member has about whether or not a situation may be compromising or breaching a professional relationship should be discussed with a member of the School Leadership Team and an approved plan of action followed.

Using social networking sites

Staff in education and care settings are expected to model responsible and respectful conduct to the children and young people with whom they work. Staff need to consider the electronic social environments they utilise as part of this community and employer expectation.

The internet does not provide the privacy or control assumed by many users. Staff must appreciate that no matter what protections they place around access to their personal sites their digital postings are still at risk of reaching an unintended audience and being used in ways that could complicate or threaten their employment. Staff should be aware of the following expectations in considering their use of social networking sites:

- They have considered the information and images of them available on their sites and are confident that these represent them in a light acceptable to their role in working with children and young people
- They do not have children or young people in their education community as 'friends' on their personal/private sites
- Comments on their site about their workplace, work colleagues or children or young people, if published, would not cause hurt or embarrassment to others, risk claims of

libel, or harm the reputation of the school, their colleagues or children and young people.

Working one-to-one with children and young people

The following summary of expectations applies to all situations where staff (teachers, support staff, professional service providers, counsellors, care providers, mentors, volunteers etc) are providing one-to-one learning assistance or feedback, behaviour assistance / monitoring, counsel, testing or assessment.

<i>Make it public</i>	<ul style="list-style-type: none"> ▪ The more visible, public and busy the location the better ▪ Use the site’s authorised IT systems. ▪ Do not use personal email or websites to communicate with children and young people
<i>Make it authorised</i>	<ul style="list-style-type: none"> ▪ Parents should be informed/ give consent ▪ Activity must be authorised by line manager
<i>Make it timely</i>	<ul style="list-style-type: none"> ▪ As far as possible, provide support during normal work hours, and do not conduct excessively long sessions

Managing privacy expectations

Teachers, counsellors, residential care staff, health providers and various professional service providers rely in different ways on being able to provide a degree of privacy for children and young people. This may be to protect the child or young person’s dignity, to provide an environment conducive to the service/assessment being provided or to respect the child or young person’s desire for confidentiality.

Children and young people will often assume a high level of confidentiality when disclosing serious issues of a personal nature or reporting harassment or bullying. For these reasons, schools need to find a careful balance between, on the one hand, respecting the sensitive and private nature of counselling or service provision and, on the other hand, the professional’s duty of care obligations for the safety and wellbeing of the child or young person. Good practice in managing these circumstances is the following:

- Health/physical care should be provided with respect for the child or young person’s dignity and in a manner approved by the child or young person and his/her parents
- Counselling should be provided in unlocked rooms with part-glass doors (where possible) that are located near staff traffic areas
- Avoid out of hours contact
- While parental consent is often not applicable in many counselling situations, best practice for schools is to provide all parents with written information about the school’s counselling and residential care services which outlines confidentiality and privacy issues
- Ensure pupil appointments and counselling notes are documented appropriately.

Conducting home visits

Staff must ensure they follow the specific home visiting protocols that apply to Oakfield School. The key principle is that a home visit should place no one at unreasonable risk and that identified minor risks are consciously managed. A summary of general expectations is provided below.

Inform:	<ul style="list-style-type: none">▪ Home visits must be authorised and documented by the school leadership and the school must have information about when and where visits are being undertaken and the expected return times
Prepare:	<ul style="list-style-type: none">▪ All available information about the safety of the proposed visit must be considered and risks managed▪ Mobile phones must be taken, ID should be visible▪ Inform parents of intended visit, where appropriate
Protect:	<ul style="list-style-type: none">▪ Do not enter the house if parents are not at home▪ Speak with the pupil where the parent is present or clearly visible: do not interview pupils in their bedrooms▪ Have a colleague accompany if problems are anticipated▪ Document the visit

Residential Houses

Staff working in Oakfield residential houses face particular challenges in providing a 'home-like' environment for children and young people in ways that do not compromise their professional boundaries or the welfare of children and young people.

Residential houses should be relatively informal environments and ones where children and young people can receive respectful guidance and support from the adults in whose care they are placed. While this clearly involves the development of caring, and sometimes close, friendships it does not remove the staff member's responsibility to work within *all* the professional boundaries outlined in these guidelines and to follow its best practice advice.

The guidance on managing privacy, working one-to-one, appropriate physical contact, responding to inappropriate sexual behaviour (in children or in adults), using social network sites, non-physical interventions and the examples of professional boundary violations are all particularly pertinent to residential house staff.

Following these guidelines will support the important role residential house staff play in the wellbeing of children and young people and enhance the respectful relationships that should exist between children and young people and adults sharing a 'home away from home'.

Staff responsibilities in responding to behaviour

Behaviour of staff towards children and young people

Suspected child abuse

Staff in education and care settings are mandated notifiers and are, therefore, required under legislation to report suspected child abuse to the Child Protection Coordinator or a member of the School Leadership Team. A report of suspected abuse must be made *irrespective of who is implicated*: a colleague, friend, senior staff member, volunteer, parent, visitor or other child or young person. The report must be made in consultation with the Child Protection Coordinator ensuring that appropriate procedures can be followed. Such procedures are designed to ensure that children and young people's wellbeing is safeguarded and that staff members' rights are respected.

The complexities of these situations are acknowledged. Nevertheless, staff must manage their sensitivities or discomforts because their duty of care to the child or young person remains their paramount legal, professional and moral responsibility.

Inappropriate behaviour

Staff may also observe behaviours in other adults that they view to be inappropriate rather than abusive or that sit on the border of violating a professional boundary. Staff must ensure, through the School Leadership Team, that the adult concerned is made aware of the potential of his/her actions to impact negatively on children and young people, and on themselves.

Professional advice of this kind may be particularly valuable to young or newly appointed staff. The Senior Manager should document what is discussed. All staff must take action if children and young people disclose information about inappropriate behaviours of other adults on the site. It is not acceptable to minimise, ignore or delay responding to such information. For the wellbeing of all members of the education or care community, a member of the School Leadership Team must be informed as a matter of urgency and a report made to the Child Protection Coordinator, if appropriate.

Behaviour of children and young people towards staff

Should a child or young person engage in inappropriate behaviour of a sexual nature, then immediate respectful steps must be taken to discourage the child or young person. The matter should be reported and documented promptly with a member of the School Leadership Team and a plan of action developed to support the child or young person and relevant staff member. Depending on the age/developmental capacity of the child or young person and contextual information, this plan of support may involve:

- Communication with parents
- Referral to and liaison with specialist counselling
- Formalised support within the site, which may include closer monitoring or supervision of the child or young person in his/her interactions with other children and young people
- Referral to and liaison with an appropriate agency with disability-specific expertise.

Sometimes, the inappropriate sexual behaviour of younger children towards staff can elicit a suspicion that the child in question has been sexually abused. In these situations, staff must:

- Make a notification to the Child Protection Coordinator
- Consider the safety of other children and young people with whom the child has contact
- Develop and document a plan of action and communicate with all relevant parties (including other agencies).

Some children and young people may actively seek a relationship with a staff member that would constitute an inappropriate relationship. In such circumstances, staff are advised to immediately report the information to a member of the Senior Leadership Team and seek assistance from a their line manager or House Manager to actively manage the situation in a way that *respects the emotional wellbeing of the child or young person and provides support to the staff member*.

Examples of behaviours that should be reported and addressed are:

- Receiving gifts of an inappropriate nature or at inappropriate times (e.g. not as part of end of the year gift giving that some children and families follow)
- Flirtatious gestures and comments
- Inappropriate social invitations
- Inappropriate touching or invasions of personal space
- Inappropriate postings using any medium
- Correspondence or communication that suggests or invites an inappropriate relationship.

The staff member and their line manager should document the incident that initially prompted the concern and the plan of action that has been established. Contact with parents is recommended unless there are reasonable grounds to believe that this will create serious risks for the child or young person.

Sexual harassment—via any medium (including posting on websites whether private or not) at any time or place—or assault of a staff member by a child or young person should be dealt with following normal behaviour management protocols, with the involvement of parents and, where appropriate, police. Along with this response, consideration must also be given to the most appropriate support that can be provided to the child or young person and family. It is important to use these incidents as opportunities to organise meaningful interventions that address early sexual and other offending behaviours.

Appropriate physical contact

Appropriate physical contact by a staff member to assist or encourage a child or young person

At times, staff will be required to give practical assistance to a child or young person who is hurt or needs particular assistance or encouragement. Examples of appropriate physical contact are:

- Administration of first aid
- Supporting children and young people who have hurt themselves
- Assisting with the toileting and personal care needs of a disabled child or young person (an individual plan for children and young people with these needs must have been negotiated with parents)
- Non-intrusive gestures to comfort a child or young person who is experiencing grief and loss or distress, such as a hand on the upper arm or upper back
- Non-intrusive touch (e.g. congratulating a child or young person by shaking hands or a pat on the upper arm or back). Staff should remember the importance of accompanying such touch with positive and encouraging words.

Good practice with school-age children and young people

- Seek children and young people's permission to touch (keeping in mind that a highly distressed child or young person may be incapable of expressing their wishes).
- Avoid being with a child or young person in a one-to-one, out of sight situation, and never touch a child or young person in such a situation.
- Do not presume that physical contact is acceptable to a particular child or young person. Even non-intrusive touch may be inappropriate if a child or young person indicates he/she does not wish to be touched.
- Respect and respond to signs that a child or young person is uncomfortable with touch.
- Use verbal directions rather than touch (e.g. ask a child or young person to move in a particular way, rather than physically place the child or young person in the required position).
- Use the above approach for demonstrations in dance, sport, music and drama. Where touch is essential for safety reasons (e.g. with swimming or gymnastic instruction), always tell the child or young person that you need to hold him/her in a particular way and seek his/her permission to do so.
- In some circumstances, staff may need to discourage younger children from inappropriate expectations of hugs or cuddles. This should be done gently and without embarrassment or offence to the child.

Working with children and young people with additional needs or disabilities

All sections of this document require careful interpretation when applied to children and young people with additional needs or disabilities. For example, children and young people with intellectual disabilities may engage in a much wider range of physical and overtly sexual behaviours towards staff and other children and young people as a result of their disability. Similarly, staff will need to engage more often in physical contact and touch with these children and young people as a means of meeting their duty of care to them.

In fact, touch itself may be an agreed form of communication between a child or young person, his/her parent and staff where the child or young person has a communication disability. Children and young people with disorders causing violent and unpredictable behaviours will have formalised restraint procedures agreed to by staff and parents/carers. Toileting assistance or processes for changing clothes will be necessities for some children and young people.

Because of these differences, staff need to be more vigilant and thoughtful in their physical interactions with children and young people with additional needs or disabilities. Their vulnerabilities mean they have an increased reliance on the adults providing their care to protect them from harm. Immediately reporting any inappropriate behaviour towards children and young people from other adults is a critical obligation of staff and one that must not be delayed, minimised or delegated (see 'Staff responsibilities in responding to behaviour').

Education and care staff support children and young people with disabilities or special needs through various forms of individual plans. The common features of these plans are that they involve all people who deal with the child or young person on a regular basis, including other service providers, and they document the agreed strategies that are to be used in supporting the child or young person. These plans are particularly important when challenging behaviours, personal care and hygiene and special physical considerations are an issue at the site (e.g. toileting, transport within and beyond the site environment, situations where physical restraint is occasionally required).

The possibility of restraint and the nature of that restraint for children and young people should be addressed in the individual plan as should alternative strategies for preventing harm to others. The plan process should involve the child or young person as far as possible. Staff likely to need to use physical restraint should access training specific to that requirement.

It is appropriate that different approaches are likely to be needed from staff in their interactions with children and young people with special needs or disabilities. For this reason, behaviour management policies need regular reviewing to ensure they reflect the needs of the children and young people accessing the site at any one time. Nevertheless, the basic principles outlined elsewhere in this document remain applicable to *all* children and young people. Staff have a duty of care to protect children and young people from physical and emotional harm and, while the ways of meeting the duty may differ for different groups, the duty itself remains unqualified.

Staff are expected to meet this duty in a manner that respects the dignity of all children and young people as well as their vulnerabilities.

Cultural Considerations

Different cultures have different attitudes and traditions surrounding the concept of appropriate touch. Staff have a responsibility to become as familiar as possible with the values of the various cultural groups enrolled in an education or care site. Many culturally-based community organisations are very keen to address staff about the values of their culture so as to establish optimum understanding and respect between parents, their children and staff at the site. It is critical that staff appreciate culturally specific expectations regarding touch so that embarrassment or offence can be avoided for everyone, and particularly for children and young people.

Some children or young people attending Oakfield School may have backgrounds of severe trauma, ranging from the observation of extreme physical violence and abuse to being victims of such violence and abuse themselves. The needs of these children and young people and their families are acute and the issue of establishing what will be received as appropriate, helpful touch is, therefore, all the more essential. Staff need to employ considerable diplomacy, care and effort in their interactions with the children and young people and families that are known or suspected to have experienced traumatic circumstances.

This Policy was reviewed October 2019.

Signed:

Lee Morfitt (Chair of Governors)