

City Gateway

Duty of Care to Learners Policy

Reviewed by (name)	Date	Next review needed
Diane Betts	February 2022	February 2023
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This policy will be reviewed on an annual basis

Duty of Care to Learners

All staff who work with, and on behalf of learners are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children and young people. Whether working in a paid or voluntary capacity, staff have a duty to keep learners safe and to protect them from sexual, physical and emotional harm.

Learners have a right to be treated with respect and dignity. It follows that trusted staff are expected to take reasonable steps to ensure the safety and well-being of learners. Failure to do so may be regarded as neglect. The duty of care is in part, exercised through the development of respectful and caring relationships between staff and learners. It is also exercised through the behaviour of staff, which at all times should demonstrate integrity, maturity and good judgment. Everyone expects high standards of behaviour from staff who work with learners. When individuals accept such work, they need to understand and acknowledge the responsibilities and trust inherent in that role.

This means that staff should:

- Understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached
- Always act, and be seen to act, in the learner's best interests
- Avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Take responsibility for their own actions and behaviour
- At no time use City Gateway as a contact, billing (invoice) or delivery address for any personal letters or parcels.

Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all staff working with learners are in positions of trust in relation to the learners in their care. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship. This means that staff should not:

- Use their position to gain access to information for their own or others' advantage
- Use their position to intimidate, bully, humiliate, threaten, coerce or undermine learners
- Use their status and standing to form or promote relationships which are of a sexual nature, or which may become so

Propriety and Behaviour

All staff working with learners have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of learners. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work. This means that staff should not:

- Behave in a manner which would lead any reasonable person to question their suitability to work with learners or act as a role model.
- Make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or which might be interpreted as such

This means that staff should:

- Be aware that behaviour in their personal lives may impact upon their work with learners
- Understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with learners

Relationships between colleagues

City Gateway is neutral on the matter of colleagues entering into personal relationships with each other. Should they occur however, such relationships should be conducted entirely outside of the work environment. Any contact or conduct of a personal or intimate nature should not occur in the work environment or during working hours. This means that staff should not:

- Make any advance towards a colleague, whether including physical contact or not, that could give rise to misunderstanding or be misconstrued as inappropriate
- Attempt to touch a colleague in a manner that could give rise to misunderstanding or be misconstrued as inappropriate
- Attempt to initiate a personal relationship with a colleague in the work environment or during working hours

Personal Living Space

No learner should be in or invited into, the home of a staff member who works with them, unless the reason for this has been firmly established and agreed with senior leaders. This means that staff should:

- Be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations
- Challenge any request for their accommodation to be used as an additional resource for the organisation
- Be mindful of the need to maintain professional boundaries
- Refrain from asking learners to undertake personal jobs or errands

Gifts, Rewards and Favouritism

The giving of gifts or rewards to learners should be part of an agreed policy for supporting positive behaviour or recognising particular achievements. Staff need to be aware however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or groom a learner.

Staff should exercise care when selecting learners for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and subject to scrutiny. Care should also be taken to ensure that staff do not accept any gift that might be construed as a bribe by others or lead the giver to expect preferential treatment.

There are occasions when learners may wish to pass small tokens of appreciation to staff e.g. on special occasions or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value. This means that staff should:

- Ensure that gifts received or given in situations which may be misconstrued are declared
- Generally, only give gifts to a learner as part of an agreed reward system
- Where giving gifts other than as above, ensure that these are of insignificant value
- Ensure that all selection processes which concern learners are fair and that wherever practicable these are undertaken and agreed by more than one member of staff

Infatuations

Occasionally, a learner may develop an infatuation with a staff member who works with them. These staff members 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. A staff member, who becomes aware that a child or young person is developing an infatuation, should discuss this at the earliest opportunity with a senior leader so appropriate action can be taken to avoid any hurt, distress or embarrassment. This means that staff should:

- Report and record any incidents or indications (verbal, written or physical) that suggest a learner may have developed an infatuation with a staff member in the workplace
- Always acknowledge and maintain professional boundaries

Communication with Learners

Communication between learners and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, text, WhatsApp messaging, emails, digital cameras, videos, web-cams, websites and blogs. Staff should not share any personal information with a learner. They should not request, or respond to, any personal information from the learner, other than that which might be appropriate as part of their professional role. Staff should ensure that all communications are transparent and open to scrutiny.

Staff should also be cautious in their communications with learners so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to learners including email, home or mobile telephone numbers, unless the need to do so is agreed with senior leadership for the purposes of communication linked to course attendance and punctuality. Email or text/WhatsApp communications between a staff member and a learner outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet-based web sites. Internal email systems should only be used in accordance with the organisation's policy. This means that staff should:

- Use equipment provided by the organisation to communicate with learners

- Only make contact with learners for professional reasons and in accordance with any organisational policy
- Recognise that text /WhatsApp messaging is rarely an appropriate response to a learner in a crisis situation or at risk of harm. It should only be used as a last resort when other forms of communication are not possible
- Not use internet or web-based communication channels to send personal messages to a learner

Social Contact

Staff should not seek to have social contact with learners or their families unless the reason for this contact has been firmly established and agreed with senior leaders. If a learner seeks to establish social contact, or if this occurs coincidentally, the staff member should exercise their professional judgment in making a response but should always discuss the situation with their manager. Staff should be aware that social contact in certain situations can be misconstrued as grooming. This means that staff should:

- Have no secret social contact with learners or their families
- Consider the appropriateness of the social contact according to their role and nature of their work
- Always approve any planned social contact with learners with senior colleagues,
- Advise senior leaders of any social contact they have with a learner which may give rise to concern
- Report and record any situation, which may place a learner at risk or which may compromise the organisation or their own professional standing
- Be aware that the sending of personal communications such as birthday or faith cards should always be recorded and/or discussed with the manager.
- Understand that some communications may be called into question and need to be justified.

Sexual Contact

All staff should clearly understand the need to maintain appropriate boundaries in their contacts with learners. Intimate or sexual relationships between learners and staff 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 a staff member and a learner may be regarded as a criminal offence and will always be a matter for disciplinary action.

There are occasions when staff embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a learner and manipulate that relationship so sexual abuse can take place. Staff should be aware that consistently conferring inappropriate special attention and favour upon a learner might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

This means that staff should not:

- Have sexual relationships with learners

- Have any form of communication with a learner which could be interpreted as sexually suggestive or provocative i.e., verbal comments, letters, notes, electronic mail, phone calls, texts, WhatsApp physical contact
- Make sexual remarks to, or about, a learner
- Discuss their own sexual relationships with or in the presence of a learner

This means that staff should:

- Ensure that their relationships with learners clearly takes 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 young males and females.

Physical Contact

Staff should not be involved in any physical contact with a learner unless exceptional circumstances arise where staff should respond in a sensitive and appropriate way. This should be reported to senior leaders.

Where a learner seeks or initiates inappropriate physical contact with a staff member, the situation should be handled sensitively. It is the responsibility of the staff member to sensitively deter the learner and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior leader. This means that staff should:

- Be aware that even well-intentioned physical contact may be misconstrued by the learner, an observer or by anyone to whom this action is described
- Never touch a learner in a way which may be considered indecent
- Always be prepared to report and explain actions and accept that all physical contact be open to scrutiny
- Not indulge in horseplay
- Work within Health and Safety regulations
- Be aware of cultural or religious views about touching and always be sensitive to issues of gender
- Understand that physical contact in some circumstances can be easily misinterpreted

Behaviour Management

All learners have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour. Staff should not use any form of degrading treatment to punish a learner. The use of sarcasm, demeaning or insensitive comments towards learners is not acceptable in any situation.

The use of corporal punishment is not acceptable under any circumstances. Where learners display difficult or challenging behaviour, staff must follow the Learner Disciplinary Policy where Learner Behaviour Expectations are laid down and use strategies appropriate to the circumstance and situation. This means that staff should:

- Not use force as a form of punishment

- Try to defuse situations before they escalate
- Adhere to the organisation's Learner Disciplinary Policy
- Be mindful of factors which may impact upon a learners' person's behaviour e.g. bullying, abuse and where necessary take appropriate action

One-to-One Situations

One-to-one situations have the potential to make learners more vulnerable to harm by those who seek to exploit their position of trust. Staff working in one-to-one settings with learners 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 learners and the staff who work with them.

Meetings with learners outside agreed working arrangements should not take place without the agreement of senior leaders.

This means that staff should:

- Avoid one-to-one meetings with a learner,
- Always inform other colleagues about the contact(s) beforehand, assessing the need to have them present or close by
- Avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy
- Always leave the door open if in a one-to-one situation with a learner if no vision panels in the room/door.
- Always report any situation where a learner becomes distressed or angry to a senior colleague
- Carefully consider the needs and circumstances of the learner if in one-to-one situations

Home Visits

Under no circumstances should a staff member visit a learner in their home outside agreed work arrangements or invite a learner to their own home or that of a family member, colleague or friend. If in an emergency, such a one-off arrangement is required, the staff member must have a prior discussion with a senior manager and a clear justification for such arrangement is agreed and recorded. This means that staff should:

- Agree the purpose for any home visit with senior management
- Always make detailed records including times of arrival and departure and work undertaken
- Ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate, action is taken

Transporting Learners

Under normal circumstances staff should not offer or provide lifts to a learner. However, there may be rare occasions where not to give a lift may place a learner at risk. Such

circumstances must always be recorded and reported to a senior leader. This means that staff should:

- Ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgment and/or ability to drive
- Be aware that the safety and welfare of the learner is their responsibility until they are safely passed over to an appropriate support agency/parent/carer if appropriate.
- Record details of the journey
- Ensure that their behaviour is appropriate at all times
- Ensure that there are proper arrangements in place to ensure vehicle, passenger and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven
- Ensure that any emergency arrangements of lifts are recorded and can be justified if questioned.

Expression of partisan political, religious or ideological views

City Gateway does not endorse, support or promote any partisan political, religious or ideological viewpoint. All staff are prohibited from expressing partisan political, religious or any other ideological views to learners. This does not mean that staff should refrain from facilitating discussions among learners on issues within sessions where this is appropriate and is linked to the topic(s) being delivered. It is very important, for example, that British Values are reinforced through debates, discussions, and the provision of information within sessions as well as in reviews and other one-to-one interactions with learners. It is also important that learners are encouraged to express their views about issues of concern to them as part of their development as young citizens. These debates and discussions must, however, be conducted in a respectful and inclusive manner with staff members refraining from expressing their own personal view points.

Staff members expected to employ discretion, judgement and sensitivity if they wish to express their personal views about political, social or religious issues in conversation with each other.