

# Behaviour guidance & positions of trust

A relationship of trust applies to staff and volunteers in a position of power or influence over a person who is attending and/or receiving education at their setting.

This could mean someone who provides training, care, support and/or supervision for a person.

The 'person' (in this case a pupil) could be someone who is under 18 years old, or who is over 18 and considered to be a 'vulnerable' adult, e.g. they have a disability or mental ill-health.

This power or influence might be abused to persuade, encourage or intimidate a child or young person into certain behaviours or activities.

All education setting staff must recognise the responsibility they have to ensure they do not abuse their positions of trust.

The [Sexual Offences Act 2003](#) also helps to protect people from sexual harm.

Whilst the legal age of consent to sexual activity is 16 years, 'position of trust' offences were extended in this legislation to protect 16 and 17 year olds and vulnerable adults from sexual abuse by people in positions of trust and authority.

## Staff & volunteers must have:

- Access to and understanding of the policy about 'Abuse of Trust'
- An explanation of the relationship between the Code of Conduct and Abuse of Trust
- An explanation of their responsibilities in a relationship of trust and the sanctions for abuse of that trust
- A full understanding of how to report any suspicions of abuse of trust

## Some signs to look out for:

- Staff member or volunteer giving pupil extra attention; spending time with them on their own in private or isolated areas, and/or outside working hours
- Staff member giving individual gifts, money etc.; being affectionate with pupil; visiting at home; making friends with parents or carers
- Staff member flirting with or making suggestive remarks or sexual comments around pupil
- Other pupils making jokes or references about a member of staff & a specific child

## 'Position of Trust' offences include:

- Causing or inciting a child or young person into sexual activity
- Engaging in sexual activity in the presence of a child or young person
- Causing a child or young person to watch a sexual act

## There are 2 exceptions to this application:

- Where a person is legally married to, or in a civil partnership with, the young person
- Where a lawful sexual relationship existed before the position of trust arose

## Staff and volunteers should ensure that:

- All relationships remain professional and are appropriate to the child or young person's age & understanding
- Their language and conduct do not give rise to speculation

Staff or volunteers may meet children, young people or vulnerable adults who display attention-needing behaviour or profess to be attracted to them:

- Staff should deal with those situations sensitively and appropriately
- Ensure that their own behaviour cannot be misinterpreted
- Ensure that a senior colleague is made aware of the situation immediately

## Useful resources:

- [Sexual Offences Act 2003](#)
- [Protecting children from abuse by someone in a position of trust or authority, NSPCC](#)
- [Working with Sexually Active Young People, SSCP](#)
- [Keeping Children Safe in Education, DfE 2021](#)
- [Care Act 2014](#)

Related policies: [Education policies & procedures, Safeguarding Sheffield Children website](#):

- Allegations & concerns about staff & volunteers
- Whistle-blowing
- Adult Safeguarding

The staff & volunteer behaviour guidelines below should read alongside your employer's code of conduct

**Remember: someone may misinterpret your actions, however well intentioned**

**Ask yourself: are my actions fair, reasonable, warranted, proportionate, measured, safe?**

## DO NOT:

- Use your position to access information for your or someone else's personal advantage or another persons' detriment
- Intimidate, threaten, bully, coerce or undermine anyone
- Use racist, sexist, homophobic or other language or behaviour that is derogatory, discriminatory, or oppressive to others
- Engage in any sexual activity (consensual or otherwise) with a child or young person or a vulnerable adult who attends your setting
- Play inappropriate games or have inappropriate physical contact with a student
- Use disproportionate force when responding to student behaviour
- Jump to personal conclusions/assumptions nor investigate the behaviour of staff, volunteer's, student's or their family yourself (always report to your Head)
- Make suggestive remarks or gestures, tell jokes of a sexual nature, or engage in inappropriate verbal banter with students
- Create a personal relationship with a student where one does not already exist
- Give **any** personal details about yourself or others to a student or family unless you have agreed this with a senior member of staff
- Personally befriend, communicate with or comment about a student or their family via the internet, email, social medium, apps, or other public forum
- Rely on your good name or reputation to protect you if you behave inappropriately - it may not be enough
- Discuss the personal details of any students with anyone without the explicit agreement of the DSL/D or Head Teacher
- Use your personal electronic devices to store information about pupils

## DO:

- Encourage regular discussion about general safeguarding issues amongst staff, governors, volunteers, students & families
- Report all health & safety issues without delay
- Keep students safe & protect them from physical, sexual & emotional harm & neglect
- Treat **everyone** with respect
- Look after your physical and mental health
- Be a positive role model and behave in a way that you wish others to follow
- Work with another appropriate adult in all planned activities whenever possible
- Risk-assess all situations when working alone with a student and ensure you can be seen and/or heard by others if possible
- Respect peoples' right to personal privacy (unless you need to safeguard them)
- Create an environment in which people feel comfortable in pointing out attitudes and behaviours they don't like
- Report and challenge all inappropriate and/or abusive activities, including ridicule, threats, intimidation, bullying and discrimination
- Familiarise yourself with all aspects of your settings' code of conduct and whistle-blowing policies
- Report any gifts or money you are given as part of your role at work, and ensure they are not of significant value or intention
- Give gifts (never money) to students **only** as part of an agreed fair and equitable reward system
- Report all concerns about abuse of students or vulnerable adults directly to your Designated Safeguarding Lead or Deputy, Head Teacher or Senior Manager as appropriate
- Inform your senior manager if you have a personal relationship e.g. relative or friend, relating to a child at your setting