



**UNITED  
ENDEAVOUR  
TRUST**

**Policy Title: Abuse of Trust (Guidance on Preventing)**  
(Statutory Policy)

Drafted by:	L Newton – Associate Principal
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Responsible for Day to Day Management:	D Kay/ E Thomas / L Wainwright
Responsible for Review:	D Kay/ E Thomas / L Wainwright

UNITED ENDEAVOUR TRUST  
EQUALITY CHECKED

This policy/procedure seeks to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relationships between groups
- Meet requirements under the Equality Duty
- Set Equality objectives which are specific and measurable



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## **1. Guidance for all schools and educational establishments**

The Sexual Offences (Amendment) Act 2000 establishes a criminal offence of the abuse of trust, affecting teachers and others who are in relationship of trust with 16-18 year olds. This guidance will be relevant in the context of that legislation as well as standing in its own right. A relationship of trust, for the purposes of this guidance, is one where a teacher, member of education staff or volunteer is in a position of power or influence over a student by virtue of the work or nature of the activity being undertaken. Section 4 of this guidance gives advice about the principles in a relationship of trust.

This guidance is based on guidance agreed nationally by representatives of the local education authorities and the six teacher organisations in England and Wales. This guidance is based on the guidance in Keeping Safe in Education September 2021.

This guidance explains the circumstances in which an abuse of trust would arise and sets out basic principles surrounding the issue. Teachers, education staff and volunteers need to be clear about what kind of behaviour is acceptable and that which is not. This policy gives guidance to teachers, education staff and volunteers about the kind of behaviour which is unacceptable and the circumstances which should be avoided in order to limit complaints against teachers of the abuse of trust and/or allegations of physical or sexual abuse. Attached to this document at Appendix 1 is a statement on expected conduct, based on one produced by the national Employers' Organisation, NEOST, and recommended for adoption by schools.

This guidance is designed to apply to all staff and volunteers working in schools. Volunteers undertake unpaid work in schools on tasks ranging from help with reading, out-of-school learning, school trips and residential off-site visits and this advice is intended to cover all such volunteers.

## **2. Aim of the Guidance**

This guidance is aimed at helping The United Endeavour Trust provide safeguards and prevent abuses of trust involving some form of sexual activity.

This guidance is aimed at protecting both those in a position of trust: teachers, other education staff and volunteers, and those for whom they are responsible: students. Those in a position of trust carry the responsibility of ensuring that they do not abuse their position or put themselves in a position where allegations of abuse of trust, whether justified or unfounded, could be made.

## **3. Scope of the Guidance**

This guidance is intended to protect young people in our Academies and those who previously attended our Academies who are over the age of consent but under 18 years of age. This guidance applies where a relationship of trust exists between a young person and his or her teacher, other member of education staff or volunteer.

Home Office guidance points out that, although young people of 16 or 17 can legally consent to some types of sexual activity, they may be still relatively immature emotionally. In many areas of the law, for example the right to vote or the provisions of the Children Act 1989, they are still classed as children. Teachers, other education staff and volunteers have to recognise this vulnerability and ensure it is not exploited.

## **4. Principle of equality**

The principles behind this guidance apply irrespective of sexual orientation; neither homosexual nor heterosexual relationships are acceptable within a position of trust. The principles apply equally to all without regard to gender, race, religion, sexual orientation or disability. This is an area where it is very important to avoid sexual or other stereotyping. In addition, it is important to recognise that women as well as men may abuse a position of trust.

A relationship of trust, for the purposes of this Guidance, is one where a teacher, member of education staff or a volunteer is in a position of power or influence over a student by virtue of the work or nature of the activity being undertaken. Although all relationships between teachers and their students are relationships of trust, this guidance is aimed at relationships of trust between teachers, education staff and those students in circumstances as described above.

A relationship of trust must not be distorted by fear or favour and those in positions of trust must exercise responsibility as consequence of the power they have over those they care for. Where a relationship of trust exists, allowing a relationship to develop in a way that might lead to a sexual relationship is wrong. A sexual relationship will be intrinsically unequal within a relationship of trust and is therefore unacceptable. It is also inappropriate since the professional relationship of trust would be altered.

This guidance should not be interpreted to mean that no genuine relationship can start between two people within a relationship of trust. But given the inequality at the heart of a relationship of trust, the relationship of trust should be ended before any sexual relationship develops.

This guidance should not be interpreted to mean that all forms of physical or close contact with students should be avoided, in order to avoid misplaced allegations. The guidance is concerned with avoiding sexual activity in a relationship of trust. A test of that would be what a reasonable person would consider to be sexual in all the circumstances. The Department for Education already gives guidance on physical contact with pupils in Circular 10/95 and on restraint in Circular 10/98, both of which give examples of circumstances where physical contact is appropriate.

## **5. Procedural issues**

Procedures to manage any course of action to follow if an abuse of trust is reported or suspected fall within the Academy's Child Protection Officer and should be reported to the post holder. There are national procedural guidelines which have been agreed and promulgated by representatives of the local education authorities and the six teacher organisations which were developed for dealing with allegations of physical or sexual abuse. These guidelines are also recommended as suitable for dealing with allegations of abuse of trust and are appended to DfE. The guidelines are designed to protect young people from abuse and contain safeguards to protect those maliciously, falsely or mistakenly suspected or accused.

## **6. Seeking advice in circumstances where concerns arise**

This section is intended to give guidance to individual teachers, education staff and volunteers who have concerns about circumstances which could represent an abuse of trust. The procedures to be followed where there is an allegation of an abuse of trust are those referred to above.

It is important that, in the United Endeavour Trust, a culture of openness is fostered in which teachers, education staff and volunteers feel able to raise issues of concern to them and that their duty to do so in terms of child protection is recognised. Individuals who make public interest disclosures will have the protection of the relevant legislation.

Further, it is important to recognise that a variety of circumstances can arise, including a sexual relationship at one end of the scale, through close friendships, to, at the other end of the scale, an innocent situation which has been entirely misconstrued. The advice set out below applies to all of these, although the action required to respond to each set of circumstances will vary considerably. Teachers, education staff and volunteers should take steps to minimise the risk of circumstances being misconstrued or misunderstood.

The primary aim of raising any issue of concern must be to help to prevent a situation developing which, if it does, is likely to have a detrimental effect on the young person involved and potentially serious outcomes in terms of disciplinary action, termination of employment for a teacher or member of education staff and possibly barring from further work with children.

Certain general principles apply to any situation involving a potential abuse of trust, as they do in any circumstances where there may be a child protection issue. A teacher, member of education staff, or volunteer with concerns about any situation must record and report that situation and seek professional advice from the Child Protection Officer. Contemporaneous recording and reporting to the Principal, line manager or other nominated person will avoid circumstances being misconstrued and ensure that the situation is responded to appropriately. Contemporaneous recording and reporting the facts of the situation will also assist in responding to a subsequent complaint from any source. Assistance can be sought from the member of staff's trade union or professional association.

These principles apply to all of the possible scenarios described below.

If a teacher or member of education staff or volunteer is concerned that he or she might be developing a relationship with a student which could have the potential to represent an abuse of trust, the first advice must be to ensure that the relationship does not develop further. It can be particularly important in this context to note the advice already given above, that teachers and education staff should take steps to minimise risk and to avoid situations which might be misconstrued.

A teacher or member of education staff who needs advice about what might be a developing relationship should contact his or her trade union or professional association. Professional advice should also be available on a confidential basis from the teacher's Principal or other line manager. Advice may also be sought from the Academy's Personnel Manager and Child Protection Officer.

If a teacher or member of education staff is concerned that a student or vulnerable adult is becoming attracted to him or her or that there is a developing attachment or dependency, the teacher must record and report the situation and seek professional advice, as detailed above.

Similarly, if a teacher, member of education staff or volunteer is concerned that his or her actions or words have been misunderstood or misconstrued by a student, or circumstances arise such that an abuse of trust might be wrongly suspected by others, the advice above should be followed as to recording, reporting and seeking advice on the appropriate response to the particular set of circumstances.

If a teacher, member of education staff or volunteer is concerned about the apparent development of relationship by another member of staff or volunteer, or receives a report from a student about such a relationship, it is again important to seek advice from the sources already described.

## **GUIDANCE ABOUT CONDUCT FOR STAFF, VOLUNTEERS, GOVERNORS, ETC WHOSE WORK BRINGS THEM INTO CONTACT WITH YOUNG PEOPLE**

### **INTRODUCTION**

This guidance is intended to clarify expected codes of conduct to help staff and volunteers to minimise the risk of being accused of improper conduct towards the young people with whom they come into contact during their work.

It would be impossible and inappropriate to lay down hard and fast rules to cover all the circumstances in which staff relate to students and where opportunities for their conduct to be misconstrued might occur. Staff must exercise professional judgement in their dealings with students. For the vast majority of staff this code of conduct will serve only to confirm what has always been their practice. If staff have any doubts about the advice contained in this document they should consult their Principal.

From time to time, however, it is advisable for all staff to reappraise their teaching styles, relationships with students and their manner and approach to individual pupils, to ensure that they give no grounds for any doubts in the minds of colleagues, pupils or parents.

### **Child Abuse**

Child abuse may be physical, sexual or psychological. Whilst child abusers may be relatives or friends of the family, some meet children in other contexts and a small minority of these may gain access to children in schools as teachers or support staff or through their voluntary involvement in Academy activities. Students should not feel inhibited from reporting abuse against them by staff or volunteers, or any incident where a student has grounds to believe that a member of staff has crossed the boundary of acceptable behaviour. All staff have a duty to do all they can to ensure that the environment within schools encourages students and staff to make truthful reports of any inappropriate behaviour.

The action to be taken by staff when they suspect a student is being abused by a person outside or inside the Academy, and the steps that should be taken if an allegation of abuse is made against a member of staff by a student, are set out in the Academy's child protection procedure.

### **Other procedures and guidance**

Staff should also be familiar with the Academy's policy about physical contact with students, the use of reasonable force to control or restrain pupils, and the procedures that should be followed if a student needs first aid or medical attention.

## **GUIDELINES FOR STAFF**

### **Private meetings with students**

- Staff and volunteers should be aware that private meetings with individual students may give rise to concern. There will be occasions when a confidential interview or a one-to-one meeting is necessary, but, where possible, such interviews should be conducted in a room with visual access, or with the door open, or in a room or area which is likely to be frequented by other people, and another student or adult should be present or nearby. Where such conditions cannot apply, staff should ensure that another adult knows that the interview is taking place. The same principles, where practicable, should be applied to virtual one-to-one meeting settings.

- Meetings with students away from the Academy premises should only be arranged with the specific approval of the Principal.

### **Physical Contact with students**

- Physical contact may be misconstrued by a student, parent or observer. Touching students, including well intentioned informal and formal gestures such as putting a hand on the shoulder or arm, can, if repeated regularly, lead to serious questions being raised. As a general principle staff must not make gratuitous physical contact with their students. It is particularly unwise to attribute touching to their teaching style or as a way of relating to students.
- Any form of physical punishment of students is unlawful as is any form of physical response to misbehaviour unless it is by way of restraint. It is particularly important that staff understand this both to protect their own position and the overall reputation of the Academy.

### **Where physical contact may be acceptable**

- There may be occasions where a distressed pupil needs comfort and reassurance which may include physical comforting such as a caring parent would give. Staff should use their discretion in such cases to ensure that what is, and what is seen to be by others present, normal and natural does not become unnecessary and unjustified contact, particularly with the same student over a period of time. Where a member of staff has a particular concern about the need to provide this type of care and reassurance he/she should seek the advice of the Principal.
- Some staff are likely to come into physical contact with pupils from time to time in the course of their duties. Examples include: showing a pupil how to use a piece of apparatus or equipment; demonstrating a move or exercise during games or PE, and; contact activities at a youth club. Staff should be aware of the limits within which such contact should properly take place and of the possibility of such contact being misinterpreted.
- There may be occasions where it is necessary for staff to restrain a student physically to prevent him/her from inflicting injury to others or self-injury, damaging property, or causing disruption. In such cases only the minimum force necessary may be used and any action taken must be to restrain the student. Where an employee has taken action to physically restrain a student he/she should make a written report of the incident in the form prescribed by the Academy's policy on restraint.

### **Caring for students with particular problems**

- Staff who have to administer first aid should ensure wherever possible that other children or another adult are present if they are in any doubt as to whether necessary physical contact could be misconstrued.
- Wherever possible staff who have to help children with toileting difficulties should be accompanied by another adult, and students should, wherever possible, be encouraged to change themselves. It is accepted that there will be some situations where students will present particular problems for staff and the emphasis will be on what is reasonable in all the circumstances.

### **Relationships and attitudes**

- All staff should clearly understand the need to maintain appropriate boundaries in their dealings with students. Intimate or sexual relationships between staff and students will be regarded as a grave breach of trust, and any sexual activity between a member of staff and a student under 18 years of age may be a criminal offence.

- All staff should ensure that their relationships with students are appropriate to the age and gender of the student, and 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 of either sex are dealing with adolescent boys and girls.
- From time to time staff may encounter students who display attention seeking behaviour, or profess to be attracted to them. Staff should aim to deal with those situations sensitively and appropriately, but must ensure that their behaviour cannot be misinterpreted. In these circumstances, the member of staff should also ensure that the Principal or a senior colleague is aware of the situation.

#### **Where conversation of a sensitive nature may be appropriate**

- Many staff have a pastoral responsibility for students and in order to fulfil that role effectively there will be occasions where conversations will cover particularly sensitive matters. Staff must, in these circumstances, use their discretion to ensure that, for example, any probing for details cannot be construed as unjustified intrusion.
- Other staff in the Academy, may from time to time, be approached by students for advice. Students may also appear distressed and staff may feel the need to ask if all is well. In such cases staff must judge whether it is appropriate for them to offer counselling and advice or whether to refer the student to another member of staff with acknowledged pastoral responsibility for the particular student.

#### **Inappropriate comments and discussions with students**

- As with physical contact, comments by staff to students, either individually or in groups, can be misconstrued. As a general principle therefore staff must not make unnecessary comments to and/or about students which could be construed to have a sexual connotation. It is also unacceptable for staff to introduce or to encourage debate amongst students in class, or elsewhere, which could be construed as having a sexual connotation that is unnecessary given the context of the lesson, or the circumstances. At the same time it is recognised that a topic raised by a student is best addressed rather than ignored.
- Systematic use of insensitive, disparaging or sarcastic comments are also unacceptable.

#### **Extra curricular activities**

- Staff should be particularly careful when supervising students in extra curricular activities, or a residential setting such as a ski trip, outdoor education camp or extended visit away from home. Typically a less formal approach than usual is appropriate in these settings, but that can be open to misinterpretation. Although a more informal approach is usual in such circumstances, the standard of behaviour expected of staff will be no different from the behaviour expected within the Academy.
- Staff should take care in receiving or giving gifts to students which could be misunderstood. Gifts to individual students from staff will be exceptional and should be assessed by a senior member of staff. Inappropriate gifts from pupils should be reported as described above.

#### **Reporting incidents**

Following any incident where a member of staff feels that his/her actions have been, or may be, misconstrued he/she should discuss the matter with the Principal. Where it is agreed with the Principal the member of staff or volunteer should provide a written report of the incident. A detailed written report should always be made if a member of staff had been obliged to restrain a pupil physically, or where a complaint has been made by a student, parent or other adult.

## EQUALITY IMPACT ASSESSMENT POLICY CHECKLIST

Equality Impact Assessment of UET Policy						
<b>Title of Policy</b>	<b>Abuse of Trust Policy</b>					
<b>PART 1</b>	<b>Positive Impact – reducing inequalities</b>					
<b>Statutory duty/equality legislation:</b> <b>Equality Impact Assessment undertaken or is satisfied.</b> <i>D = Disability, GA = Gender reassignment, P = Pregnancy &amp; Maternity, R = Race, R/B = Religion or Belief, S = Sex, SO = Sexual Orientation, A = Age, M/CP = Marriage and Civil Partnerships</i>	How is the policy likely to have a <b>significant positive impact</b> on equality by reducing inequalities that already exist?  All students and staff will be protected from abuse of trust.					
	Could the policy have a <b>significant negative impact</b> on equality in relation to each of the following groups or characteristics?  No.					
<b>Characteristics</b> Indicate areas of likely impact	<b>Promote equal opportunities</b>	<b>Get rid of discrimination</b>	<b>Get rid of harassment</b>	<b>Promote good community relations</b>	<b>Promote positive attitudes</b>	<b>Promote/ protect human rights</b>
<b>D</b>		✓	✓	✓	✓	✓
<b>GA</b>		✓	✓	✓	✓	✓
<b>P</b>		✓	✓	✓	✓	✓
<b>R</b>		✓	✓	✓	✓	✓
<b>R/B</b>		✓	✓	✓	✓	✓
<b>S</b>		✓	✓	✓	✓	✓
<b>SO</b>		✓	✓	✓	✓	✓
<b>A</b>		✓	✓	✓	✓	✓
<b>M/CP</b>		✓	✓	✓	✓	✓
<b>Equality Impact Assessment of UET Policy</b>	<b>Records</b>					
<b>Name of person responsible for policy</b>	L Newton					
<b>Date of EIA of Policy</b>	October 2020					

A = Age, M/CP = Marriage and Civil Partnerships –applies in respect of employment framework policies

Equality Impact Assessment of UET Policy	Evidence
<b>PART 2</b>	
<p><i>Statutory duty/equality legislation: Equality Impact Assessment undertaken or is satisfied.</i></p> <p><i>D = Disability, GA = Gender reassignment, P = Pregnancy &amp; Maternity, R = Race, R/B = Religion or Belief, S = Sex, SO = Sexual Orientation, A = Age, M/CP = Marriage and Civil Partnerships</i></p>	<p><b>What is the evidence for your answers above? (list any quantitative and qualitative)</b></p> <p>All reports of concerns re documented and procedures and outcomes formally reported for action</p> <p>Report to Directors via termly report where instances arise..</p>

Equality Impact Assessment of UET Policy	Conclusion
<b>PART 3</b>	Current evaluation indicates that bullying concerns are addressed quickly and effectively, but that there are bullying issues that affect specific groups.
<b>Summary of findings</b>	

Equality Impact Assessment of UET Policy	Next steps		
<b>PART 4</b>			
<b>Category</b>	<b>Actions</b>	<b>Target Date</b>	<b>Person responsible</b>
<b>Next Steps – Action Plan</b>			
<b>Practical changes required to reduce adverse impact</b>	Continue to raise awareness of abuse of trust. Record, address and evaluate responses.	September 2022	D Kay/ E Thomas/L Wainwright
<b>Monitoring and evaluation and Review (publish revised policy)</b>	Outcomes reported to Directors via report	September 2022	D Kay/ E Thomas/ L Wainwright