



## **Staff Professional Code of Conduct**

**August 2016**

## 1. Introduction

### 1.1 Purpose and Scope of the Staff Professional Code of Conduct

- 1.1.1 The purpose of this document is to make clear the Art School's legitimate expectations of staff in terms of their professional conduct. It includes advice and guidance to staff on best practice with regard to personal and professional relationships with students and with each other; and explains the possible consequences of either not being aware of their professional responsibilities, or of acting without due regard to those responsibilities, whilst in the employment of the Art School.
- 1.1.2 The Code of Professional Conduct applies to all staff working at the City & Guilds of London Art School, including academic, technical, administrative, temporary, honorary and volunteer staff. It also applies to postgraduate students acting as staff, whether paid or unpaid, when mentoring or teaching.
- 1.1.3 The advice applies irrespective of the age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including lack of belief), sex (gender) or sexual orientation, of any of the individuals concerned in a relationship covered by this Code.
- 1.1.4 This Code of Professional Conduct forms part of the **Art School's Staff Support and Development Handbook/Employee Handbook** which is given to all staff. Any alleged breach of the Code will be investigated and may result in disciplinary action, using the processes described in the Employee Handbook, either directly or following referral from the Student Complaints Procedure.

## 2. Relationships between members of the Art School community

### 2.1 Definitions

- 2.1.1 In the context of this document, **personal relationships** are defined as:

- a family relationship
- a business/commercial/financial relationship
- a sexual/romantic relationship

**Professional relationships** are defined as those involving:

- a role in assessment, supervision, tutoring, teaching, or mentoring
- a pastoral support role
- a technical or administrative support role

### 2.2 Art School position on staff/student relationships

- 2.2.1 The Art School greatly values and relies upon the professional integrity of relationships between members of staff and the staff/student relationship, and believes that good professional relationships between staff and students that are based on trust, confidence, and at times a level of dependency, are central to the educational experience of all.

- 2.2.2 We are a small institution with a friendly and largely informal working atmosphere, with a wide range of specialist tutors, technical and administrative staff, and students who come to us from many backgrounds and ranging from school leavers through to those returning to their studies after years working in a career.
- 2.2.3 While we all benefit from and value this lively and creative working environment and enjoy celebrating our students' and staffs' achievements together, we also need to be aware of our duty of care towards our students. Staff have a professional and ethical responsibility to protect the interests of students at all times.
- 2.2.4 We should always be aware of the potential of an 'imbalance of power' and should work to maintain the boundaries between professional and personal life, in order to avoid situations where this could be abused or be perceived to be abused.
- 2.2.5 Getting the right balance between the professional and the friendly and celebratory is not always straightforward; there may be circumstances, particularly in a social context, where professional boundaries may easily be blurred or even crossed. Where this leads to a member of staff forming a personal relationship with a student, there may be risks and difficulties, and other students and our own colleagues may be affected.
- 2.2.6 Students are entitled to equality of treatment and it is important that any personal relationship between a member of staff and a student does not prejudice that equality of treatment or be perceived by others to do so.
- 2.2.7 All members of staff are strongly advised to adhere to the principles of good practice set out in this Code of Professional Conduct.

### **2.3 Good practice regarding staff/student relationships**

- 2.3.1 You are strongly advised not to enter into a sexual/romantic relationship with a student for whom you have a responsibility for assessing, supervising, tutoring, teaching, for pastoral care or for whom you are required to provide administrative or technical support.
- 2.3.2 You should not enter into a business, commercial or financial relationship with a student that could compromise, or could be perceived to compromise, the objectivity and professional standing of your professional relationship.
- 2.3.3 While you may choose to socialise with students at events such as student and staff private views or other Art School events, you should remain aware of your own duty of care to students. Knowing where to 'draw the line' is not always straight forward, but you are strongly advised to avoid any form of regular socialising with students that could compromise you professionally or raise concerns with other students or colleagues.
- 2.3.4 You should take particular care to avoid situations where a student who is particularly vulnerable due to personal circumstances, may encourage you to cross professional boundaries, increasing the risk of an 'imbalance of power'. Examples of such situations might include:
- if a student is going through a period of transition and uncertainty

- if a student has a disability or chronic illness, or where such a background has restricted developmental opportunities, rendering the student perhaps over-trusting or over-eager to have a more personal relationship
- if a student has mental or emotional problems which leave them temporarily over dependent on close emotional support or the sense of being valued, e.g. the aftermath of bereavement, or a relationship break-up
- if a student is vulnerable much of the time with chronic mental health problems that are not readily apparent but can be brought out by a variety of stress factors

## **2.4 Actions to be taken by staff to avoid the risk of compromise**

- 2.4.1 The Art School recognises that a relationship may already exist when a member of staff is appointed or when a student enrolls. If you have, or potentially could have, a professional role in relation to a student with whom you already have a personal relationship, it is your responsibility to inform your Head of Department (or Principal if you are a Head of Department), in order that alternative arrangements may be made.
- 2.4.2 Should a relationship develop between yourself and a current student despite the advice in para. 2.3.1 above, and there is the slightest doubt about an overlap of personal and professional interest this should be declared to your Head of Department in the first instance (or Principal if you are a Head of Department).
- 2.4.3 If you have any suspicion that the behaviour of a tutee, or indeed your own behaviour, however inadvertent, could compromise your role, the Head of Department/Principal should similarly be consulted.
- 2.4.4 Should you become aware of behaviour by any other member of staff which arouses your concern that the duty of care referred to above may be compromised and the good name of the Art School with it, you have a duty to draw this to the attention of the relevant Head of Department or to the Principal. Given the potentially serious nature of the matter it is wise to follow the above procedure to guard against unwittingly being personally compromised or drawn in, even where it is decided subsequently to do no more than have a quiet word personally and directly with the colleague concerned.

## **2.5 Good practice and actions to be taken in the case of relationships between members of staff**

- 2.5.1 Although the existence of personal relationships between members of staff need not necessarily cause any professional concerns, you should declare to your line manager any personal relationship that may give rise to a real or perceived conflict of interest, trust or breach of confidentiality.
- 2.5.2 Where a personal relationship exists or develops between members of staff who are in a line management relationship at work, they must not be involved in recruitment, probation, appraisal, promotion or in any other management activity or process involving the other party.
- 2.5.3 Additionally, staff in a personal relationship should not work together where a conflict of interest, breach of confidentiality or unfair advantage

may be perceived to be gained because of the overlap of personal and professional relationships. In such circumstances, the relationship must be declared in confidence, to the Head of Department (or Principal in the case of a Head of Department). Alternative management arrangements will be made and confirmed in writing to the individuals concerned. If it is considered unavoidable to inform other members of staff about the relationship in order to explain a change in management arrangements, this will be discussed with the individuals concerned, before it is disclosed.

### **3. Use of Social Media**

#### **3.1 Art School advice to staff on social networking**

- 3.1.1 You are strongly advised to be wary when using social networking sites such as Facebook, twitter, Linkedin, Youtube and MySpace. Whilst social networking can be a very useful way of making arrangements and sharing information with students, users can become vulnerable to unintended misuses. E-mail, texting and social media all encourage casual dialogue and innocent actions can easily be misconstrued or manipulated. Electronic messages are not anonymous and can be tracked and live forever on the internet. Social Media sites archive content posted, even when deleted from online profiles. Once information is placed on line, the author relinquishes control of it.
- 3.1.2 Use of social media brings with it a new dimension and 'feel' to a relationship and this is particularly the case when a student and a member of staff become 'friends' in an online environment. A member of staff should never share information with colleagues or students in any environment that they would not willingly or appropriately share in an Art School or official setting. While staff are individuals with private lives, off-duty conduct matters and sound judgement and due care should be exercised.
- 3.1.3 It is strongly recommended that you:
- Do not exchange private text, phone numbers, personal e-mail addresses or photos of a personal nature with students
  - Decline student-initiated social networking 'friend' requests and do not instigate any yourself;
  - Operate online in a way which does not call into question your position as a professional;
  - Manage your privacy settings effectively and keep them under review;
  - Ensure your settings prohibit others from tagging you in any photos or updates without your permission;
  - Do not discuss students and colleagues online or criticise or disclose confidential information about the Art School or others within the Art School community
- 3.1.4 If you are already a 'friend' of a student through social networking this should be discussed with your Head of Department or the Principal and you will be advised to 'de-friend' until the student completes their studies at the Art School.

## **4. Staff general duty of care towards students**

### **4.1 Protection of students' welfare**

- 4.1.1 The duty of care referred to above extends to the general welfare and wellbeing of students. Should you see a student acting in a way that gives you cause for concern for their or others' welfare you have a duty to act to protect the student and their peers. For example:
- If a student is working without due care and attention to Health and Safety guidance this should be addressed immediately
  - If a student attends the Art School while under the influence of alcohol or non-prescribed drugs they should be asked to leave after assessing that they are fit to do so.
- 4.1.2 In such situations staff are required to use their professional judgment to assess the risks caused by the situation, and should intervene alone only when it is safe to do so. If you judge that your intervention may make the situation worse, or put the student or yourself in harm's way, you should seek immediate assistance.
- 4.1.3 All actions you take under para. 4.1.2 should be reported to your Head of Department/Principal as soon as possible.

### **4.2 Enhanced duty of care towards children and vulnerable adults**

- 4.2.1 The additional responsibilities on staff to protect the welfare students who are under 18 and vulnerable adults, including those imposed under the 'Prevent' statutory guidance, are set out in the Art School's **Safeguarding Policy** and are amplified for those staff members who are Pastoral or Personal Progress Tutors, in the Art School Tutorial Policy.

## **5. Disciplinary offences**

### **5.1 Conflicts of interests**

- 5.1.1 Where a 'personal relationship' as defined in para. 2.1.1 is not declared and results in an unfair advantage or disadvantage to either of the parties to the relationship (be they a member of staff or a student), this will be considered a serious matter and may lead to disciplinary action.

### **5.2 Breaches of Art School policies**

- 5.2.1 If a student or member of staff believes that they have been taken advantage of, or subjected to bullying or harassment as defined in the Protecting Dignity and Respect Policy, they may seek redress through the Student Complaints Procedure (students) or the Grievance Procedure (staff). It is important that all staff acquaint themselves with this and other Art School policies, as any breach may lead to disciplinary action.

### **5.3 Illegal action and 'gross misconduct'**

- 5.3.1 Staff should be aware that any sexual or romantic contact between a person in a position of trust and a child (any person under 18) or anyone defined as a 'vulnerable adult', is illegal under the Sexual

Offences Act 2003 even though the individual may be over the age of consent. An allegation against a member of staff of an offence under this Act will inevitably mean automatic suspension from duties pending the criminal investigation process and, depending on the outcome, additional disciplinary proceedings, including a possible charge of gross misconduct, may be brought against the staff member concerned.

- 5.3.2 The Staff Handbook refers to other examples of 'gross misconduct' including other illegal activities conducted either on or off site, particularly those that could lead to harm being caused to oneself or others.

## **5.4 Reputational and business risks**

- 5.4.1 The Art School community has worked hard over many years to achieve its good standing and reputation; however, incidents which result in harmful publicity can put an institutional reputation at risk and impact adversely on its business. The Staff Handbook refers to actions that could have a reputational or business impact on the Art School leading to disciplinary action.

## **5.5 Health & Safety**

- 5.5.1 The Health and Safety Executive guidance states that if an employer or colleague knowingly allows a member of staff under the influence of excess alcohol to continue working, and this places the member of staff or others at risk, the employer could be prosecuted. Where suspected consumption of alcohol or drugs is judged to affect work performance or conduct, the Art School will need to take immediate action. This will usually lead to the member of staff being sent home after assessing their ability to return home safely. An investigation would follow and could lead to disciplinary action and/or to a deduction of payment for the period of absence.
- 5.5.2 If a staff member knowingly fails to exercise their Duty of Care to students in respect of breaches of Health & Safety advice (see paras. 4.1.1 and 4.1.2 above), they may also be subject to disciplinary action.

## **6. References**

### **6.1 Policy Framework**

- 6.1.1 This Professional Code of Conduct is underpinned by the principles of the following Art School policies/procedures, which should be read in conjunction with it:
- **Protecting Dignity & Respect Policy**, which gives protection to all members of the Art School community from unwanted attention and abuse (including abuse of power), and its 'parent' **Equality & Diversity Policy**
  - **Safeguarding Policy**, which defines the enhanced duty of care and legal responsibilities of all staff in relation particularly to children (anyone under the age of 18), and vulnerable adults

- **Student Complaints Procedure**, which is the means by which students may seek redress for an alleged breach of the Code
- 6.1.2 These are in turn referenced to the following legislation and statutory guidance:
- **The Equality Act 2010 and the Public Sector Equality Duty**
  - **The Sexual Offences Act 2003**, which expressly makes it illegal for anyone in a position of trust to have sexual contact with a person who is under 18 years of age, or is a vulnerable adult, for whom sh/e has responsibility
  - **The Prevent Duty 2015**

## **7. Effectiveness of this Code of Practice**

### **7.1 Review**

- 7.1.1 This Code of Practice will be reviewed by the Senior Management Team as part of the annual process of updating the Staff Development & Support Handbook/Employee Handbook.