

Code of Conduct for Staff and Volunteers Summary

- Please be prepared to wear a mask and maintain good hygiene when at work.
- Please be respectful of the views, beliefs, lifestyles and practices of our service users and other staff and volunteers.
- Communicate appropriately and professionally at all times while on site.
- You are a role model for young people while at the club. This means setting a standard for behaviour and language, and it also means respectfully challenging problematic behaviour or language if it occurs.
- Do not tolerate bullying if you notice it – challenge it sensitively, being aware of the possible consequences of your own actions. Bullying is not acceptable, whoever it comes from.
- Stay neutral, non-judgemental, listen to everyone and support the young people to understand the consequences of their behaviour.
- Do not take sides when young people disagree.
- Do not discuss your own personal experiences directly, give your own opinions, or discuss your own religious beliefs or political views when talking with young people or their families. Instead you can give information or signpost them to factual websites or support organisations.
- Any physical contact between adults and young people at the youth club is unacceptable as normal practice.
- Do not use restraint under any circumstances.
- No lone working.
- Keep doors open throughout the club.
- Please do not persistently use your mobile phone whilst at work, either to take or make calls or access the internet. Take necessary calls or texts outside.
- Please do not access the internet for personal reasons.
- If using the internet for work related purposes in the presence of a young person, ensure another adult is in the room.
- Please do not discuss information about youth club members or their family with others, unless it is to support the young people or improve the service, and in a discreet and sensitive way.
- If you or a member of your household is convicted during your employment or volunteering period please inform the Senior Youth Worker or a Trustee.

- If you are concerned about a young person you need to tell the designated safeguarding lead or the Senior Youth Worker.

Code of Conduct for Staff and Volunteers

It is a condition of your employment or volunteering for MAY, at The Yard Youth Club and during off site activities, that you adhere to the Code of Conduct while acting on behalf of MAY. This helps protect the wellbeing and safeguarding of young people, and protects MAY's staff and volunteers.

Organisations that provide services for young people, must adhere to statutory guidance around the behaviour of both paid and voluntary workers. Some actions are unacceptable and may lead to suspension and/or dismissal.

“All practitioners in these organisations and agencies who are working with children and their families are subject to the same safeguarding responsibilities, whether paid or a volunteer.” *Working Together* statutory guidance, 2018

Behaviour

MAY expects that adults at the Youth Club will act as positive role models for young people. Positive examples of behaviour/attitudes include effective communication, good listening, praising good or improving behaviour, making fair decisions, treating everyone with respect and dignity, and awareness of good health and safety \ risk reduction practice.

- Physical contact between staff or volunteers, and children and young people, is not acceptable as normal practice. This includes minor or casual physical contact.
- We have a “no lone working” policy: staff and volunteers should never work alone with a young person. Keep doors open throughout a session.
- All adults at the Youth Club are expected to communicate appropriately and professionally while on the premises. Please do not raise your voice, swear or use unsuitable gestures.
- Bullying will not be tolerated from staff, volunteers, senior helpers, young people, parents or visitors. This includes aggressive and abusive behaviour and targeted emotional abuse.
- Staff, volunteers and young helpers should not plan to or persistently use personal mobile phones whilst at work during a youth session. If you need to take a call please let a colleague know, ensure that you are not leaving young people unsupervised, and leave the club for the duration of the call.
- Using your personal phone for work related internet access may be acceptable depending on context, see below.
- Personal information is ONLY to be shared on a “need to know” basis. Please do not share personal or sensitive information about service users or their families unless it is for the purposes of supporting the child or family or enabling

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us to improve the service for young people or families.

- No one at the Youth Club is allowed to use restraint. The use of restraint in any form as a means of behaviour management is against the law. The only possible defence would be that a (young) person was at immediate risk of harming others or themselves, and that the restraint used was the minimum necessary. Even in these circumstances you are likely to be the subject of an investigation by an authorised external body (a LADO). The risk of damage to property is NOT a reasonable defence.
- Staff and volunteers must not put themselves at risk.
- Staff and volunteers should never access the internet for personal use on club nights. It may be appropriate to use your phone for work related internet or email to answer an immediate query or during a trip out. Where this is in the presence of a young person you must only do so in the presence of another adult.
- Please support young people by listening to them, by offering neutral information i.e. referenced facts or stating the law, and supporting the young person to find reliable information sources (signposting); rather than offering advice or your opinion.
- You must disclose to the Senior Youth Worker or one of the Designated Safeguarding Officers if you have been arrested for any reason, or if a member of your household receives a conviction related to violent behaviour, use of banned substances, or sexual offences.
- You must talk to the Designated Safeguarding Officer or Senior Youth Worker if you have any reason to worry about the safety of a young person. However, all individuals may contact the Early Help Response Team directly in the case of a concern.

Appropriate and Inappropriate Communication

Adults who work at The Yard Youth Club in any capacity are in a legally recognised “position of trust” with young people at the youth club. Adult workers must maintain professional boundaries with the young people they know through their youth club work – to not do so may result in a referral to the LADO.

Where there is an existing ‘friends of the family’ or extended family relationship, please inform the Senior Youth Worker or the designated safeguarding lead of that prior relationship. The adult worker must retain professional boundaries when at the club and follow good practice with the young person i.e. lone working is avoided and parental permission is sought for any meeting. Any one-to-one social media contact must be discontinued.

Adults or Senior Helpers who have a prior relationship with a young person through local networks (i.e. they are Facebook friends or both attend a club) must inform the Senior Youth Worker or the designated safeguarding lead on induction. Relationships through organisations or large mixed groups with pre-arranged meeting times are acceptable. “Private” relationships must be discontinued, i.e. Facebook friends.

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The following is intended for adults who do not have a prior relationship with youth club members.

Adults over 18 are not allowed to communicate privately with ANY current youth club members – either Juniors, Seniors or Senior Helpers – in the following ways, without permission from the parent/guardian and a member of the MAY management committee.

- “Social Networking” sites such as Facebook
- Chat rooms
- Electronic messaging
- Texting
- Phonecalls
- Pre-arranged one-to-one meetings
- Through another person
- Meeting at another venue including a cafe or private home.

Note Senior Helpers are also considered to have a relationship of responsibility with Junior members. Senior Helpers are not allowed to have sexual relationships with those attending the Youth Club as Junior members.

Communication for Youth Club purposes, i.e. through The Yard Youth Club Facebook page is acceptable. Any inappropriate communication through this page will result in a ban from the page and potentially dismissal as a member of staff or volunteer.

Casual communication in a public place i.e. on the street in Moretonhampstead is acceptable provided it is unplanned.

Photographs - See the MAY Photo\Visual Media policy.

Any staff or volunteers found not to be adhering to this policy will be suspended pending an MAY investigation into their conduct.

Whistleblowing and Complaints against MAY workers (staff or volunteers)

Procedures for complaints from parents, young people, members of the public, or whistle blowing by members of the organisation.

Any allegation that there has been a breach of the MAY Code of Conduct by a volunteer or member of staff, or any other complaints against an adult worker, must initially be brought to the attention of the Designated Safeguarding Officer, Senior Youth Worker or the Chair of Trustees.

Where a complaint is received, and can't be resolved informally in the first instance, it must be recorded in writing. All sensitive information must be stored securely with other sensitive data.

If there are two separate accounts of the same allegation the individuals must be asked to write independent accounts.

Unless the allegation is already resolved, very easily resolvable, and the complainant is satisfied, the Chair and Designated Safeguarding Officer will consider the allegation in context and in proportion. Certain types of complaints are most likely to be investigated and dealt with within the organisation, for instance:

- Single instances of behaviour management that do not cause injury
- One-off instances of swearing or shouting
- Allegations that staff or volunteers use drugs or abuse alcohol when OFF duty
- One-off instances of minor physical contact of a non-sexual nature with no visible physical injuries, in particular when a good reason can be given, i.e. there was an emergency
- One-off instances of poor supervision that have not caused injury
- Instances where confidentiality has been breached.

If the above criteria for an investigation are met, the Chair will call a meeting or write an email to other Trustees and the Senior Youth Worker to discuss the matter and agree on action.

Within **1 working day** a decision, based on the complaint and any other evidence which has been presented to the organisation, will be made as to whether the allegation should be dealt with by the organisation or should be passed on to the Local Area Designated Officer (LADO).

Within **1 working day** a decision will also be taken as to whether the person of concern should be suspended pending any investigation. If in doubt the LADO will advise as to Moretonhampstead Association for Youth. Revised October 2021 due for review October 2022 or when statutory guidance changes, whenever is sooner

whether the person of concern should be suspended.

The MAY Management Committee will acknowledge the complaint via email or letter to the complainant within **5 working days**.

If it is decided that the complaint or allegation can be dealt with within the organisation, the reasons for this decision will be recorded. Every effort will be made to address the issue at Management Committee level within **15 working days**.

If at any time more evidence is found that meets the criteria for a LADO investigation, organisational investigation must cease while the matter is passed onto LADO.

Organisational investigations will be carried out by the Safeguarding Officer and Management Committee. The Chair will offer to meet with the complainant in person to obtain further information. This information will be made available to all members of the Management Committee and a meeting with representatives of the Management Committee will be arranged. The person of concern will also have an opportunity to put their case. The Management Committee will also allow submissions from other parties eg: members of staff, should this be appropriate.

The Management Committee will consider whether the complaint should be upheld, and if so will record:

- whether the alleged misconduct has any justification in context
- whether the person requires further training and/or supervision in order to continue in their role
- whether the person is not suitable for their role and should be dismissed for reasons other than safeguarding
- whether or not the person of concern will pose an ongoing risk to young people if they continue in their role as staff or volunteer, should be dismissed and a referral made to DBS Barring.

If the complaint is not upheld, records should still be retained.

The complainant will be notified in writing of the decision within **14 working days** of the meeting.

For disciplinary, dismissal and suspension procedures please see below.

LADO Investigations

If a report to the LADO is made, the matter becomes a Child Protection investigation. The organisation CANNOT carry out or continue to carry out investigations or share information until the LADO investigation closes or the organisation is told that a LADO investigation will not go ahead.

If the suspicion or allegation meets the following criteria the organisation must make a report to the Local Area Designated Officers (LADOs) who are authorised to investigate complaints or allegations regarding adults who work with young people:

- ANY complaints of a sexual nature
- If the criminal threshold was met
- Where physical injury resulted

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- If it involved or involves physical abuse
- If it involved an incident in which a young person was restrained
- If it involves a serious incident of poor supervision that led to harm or withholding of medication
- Persistent, targeted emotional abuse
- Persistent minor complaints may indicate an underlying unsuitability to work with young people which could be reported to the LADO.

Where necessary the Safeguarding Officer will seek advice from the LADO to establish whether the allegation should be dealt with internally or be reported.

If the above criteria are met, the balance of probability is that the person of concern poses a risk to young people IF the allegation is upheld, and pending investigation that person would therefore be suspended by the organisation. This decision will be taken **within 1 working day**.

The complainant must be made aware that if the matter is passed on to the LADO, the organisation is NOT allowed to investigate further itself (it is against the law) unless and until the LADO tells the organisation it is allowed to.

If a report to the LADO is made:

The LADO will advise whether or not the person should be suspended prior to investigation.

The person of concern should be informed. However, the LADO will advise as to whether they should be told they are the subject of an investigation as in some cases it might jeopardise an investigation.

Should suspension of a member of staff or volunteer be necessary, and a LADO referral has been made, it will be explained to them that they have been suspended due to a child protection issue but no more can be said to them while the investigation is ongoing.

The parents or carers of any child\ren involved may not be told until the investigation is finished unless the child\ren are at immediate risk, in the case that this could jeopardise the investigation.

It is the role of the organisation to support the member of staff or volunteer if they are the subject of a LADO investigation, and a member of the MAY Management Committee will be assigned to a supportive role for that person.

A LADO investigation may end in three possible outcomes:

- unfounded – there is no evidence to support the allegation, and the allegation may be treated as untrue
- unsubstantiated – there is insufficient identifiable evidence to prove or disprove the allegation
- substantiated – the allegation is upheld.

In the event the LADO finds that allegations are substantiated allegations, criminal proceedings may follow and the person of concern should be dismissed from their role as a risk to young people. In this case a referral must be made to DBS Barring.

Additionally, a LADO investigation that indicates that the person's unsuitability for working

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with young people could extend to their capability as a parent, may result in a referral to the Multiple Agency Safeguarding Board (MASH) as a risk to their own children.

Disciplinary procedure to be used UNLESS the situation meets the criteria for a LADO investigation. An internal investigation which brings more evidence to light to indicate that there may be a safeguarding concern **should be halted** and **contact with LADO must be made as set out in the Breach of Code of Conduct procedure.**

Informal - non-disciplinary action:

Minor offences will be dealt with informally by the immediate supervisor (Senior Youth Worker or member of the management committee). Examples of such offence(s) might include (but are not limited to) timekeeping and carelessness. The should make clear the nature of his or her concern together with any suggestions as to how the individual might improve their work performance and/or conduct. A note will be kept by the Senior Youth Worker or Management member of their discussion with the staff member including incident(s) that gave rise to concern and the date(s) on which these occurred. A copy of this will be given to the staff member.

Stage 1 First formal oral warning

- In the event of such informal measures not having the desired effect or where the matter is of a more serious nature, the disciplinary procedure would proceed to Stage 1.
- A member of staff or volunteer whose work performance and/or conduct is considered to be unsatisfactory, should first be given a formal oral warning by a manager such as the Senior Youth Worker or member of the Committee, in the presence of a friend or colleague, if their presence is requested by the staff member. It is expected that before issuing a formal oral warning, the manager (or equivalent) will have ensured that the matter was properly investigated and will have carefully considered the member of staff's defence, particularly in regard to any mitigating circumstances as put forward by the staff member or an advocate.

The nature of the warning should be made clear in writing together with any suggestions as to how the member might improve his/her work performance and/or conduct. The member of staff will also be advised that this is the first stage of the disciplinary procedure, the duration of the warning will be specified and the staff member will be warned of the likely consequences of further disciplinary action and of his/her right to appeal against the warning. A written record should be kept by the manager of the incident(s) and a copy should be sent to the staff member and to the work colleague (if the presence at the

meeting was requested by the staff member) and to the Management Committee Chair.

Stage 2 Second formal warning

Disciplinary Interview

In the event of such a warning not having the desired effect, or where the matter is of a more serious nature, the disciplinary procedure would proceed to Stage 2. A written explanation would be given to the staff member, stating why it is necessary to proceed to Stage 2.

The member of staff shall be asked by the manager in writing to explain the unsatisfactory work performance at a formal disciplinary interview and shall also be advised a work colleague may be present if the member of staff wishes. The manager (or nominee) shall consult with and seek advice beforehand from the Chair of the Management Committee, and a representative of the committee will be present at the interview to advise. The manager will give the Chair (or nominee) and the member of staff at least five working days' notice of the disciplinary interview, or such notice as is mutually agreed, together with written details of the complaint. Witnesses may be called to provide evidence and they may be questioned by all parties present at the disciplinary interview.

Written warning

Having fully investigated the complaint and having taken all circumstances into account, and having regard to the seriousness of the offence, the Chair will consider whether a written warning is necessary. If no written warning is necessary, the staff member will be notified of this in writing by the Chair. If a written warning is necessary, this will be given to the member by the Chair, stating:

- details of the complaint, the expected improvement in the work performance and general conduct,
- the length of any period allowed for this
- the procedure and consequence (i.e. further formal warning) to which the member will be liable in the absence of the required improvement.

A copy of the written confirmation having been retained, such warning shall be noted on the staff member's record and copied to the friend who was present at the disciplinary interview. Disciplinary action may call for a report to be made at the end of the time period specified with respect to the formal written warning in order to confirm or otherwise that sufficient improvement has taken place. The member shall be informed in writing of the right to appeal.

Stage 3 Final warning

If there is still a failure to improve and conduct or performance is still unsatisfactory, or where the matter is sufficiently serious, the Chair and a member of the Management Committee not previously involved in the case would investigate the matter by holding a disciplinary interview (referring to stage 2 as a guide). They may issue a final written warning which will give details of the complaint, will warn that dismissal will, depending on the particular circumstances and following an investigation, automatically result if there is no satisfactory improvement and will advise of the right of appeal under the procedure.

Stage 4 Dismissal

If conduct or performance is still unsatisfactory, dismissal will normally result. The Chair will take the decision to dismiss. The staff member will be provided, as soon as reasonably practicable, with written reasons for the dismissal, the date on which employment will terminate and the right of appeal.

Grounds for disciplinary action (other than for gross misconduct)

The following are examples of the sort of offences other than gross misconduct which could lead to disciplinary action. The decision on which option(s) to pursue will rest with the relevant management. The list is not exhaustive or exclusive:

- failure to perform satisfactorily the duties of the post. The duties are as defined by the employing department in the current job description;
- failure to comply with reasonable instructions or requests from the Senior Youth Worker or Management Committee;
- persistent, unsatisfactory time-keeping;

- careless destruction or waste of MAY property and/or failure to report such;
- unauthorised absence or frequent periods of short unauthorised absence;
- breach of confidentiality (e.g. disclosure of confidential information to a person not authorised to receive it);
- breach of MAY or the Yard Youth Club's safety regulations or rules;
- incapacity to perform the duties of the post due to the influence of alcohol or unauthorised drug taking;
- rudeness to young people, colleagues, or visitors;
- sexual or racial harassment or bullying of adults (if towards children this would indicate a safeguarding concern to be investigated the the LADO);
- breach of a specified condition of employment.

If dismissal is necessary the organisation has a duty to make a reference to the DBS Barring list. (It is a criminal offence if the organisation does not do this.)

Should dismissal of a member of staff or volunteer be necessary following an internal investigation, a full explanation of why they have been suspended will be given to them.

If the Management Committee consider that dismissal is necessary in order to protect young people, the organisation has a duty to make a reference to the DBS Barring list.

Section C Disciplinary Procedure - Gross Misconduct

Examples of gross misconduct.

Where there is an allegation of gross misconduct or serious breach of contract, and a decision is taken by the Chair following consultation with the Trustees to suspend a member, such suspension will be on full pay (pension benefits will not be affected) and will normally be for no more than five working days, or such time as may be necessary to investigate the matter properly, pending an investigation by the Management Committee by such means as necessary. The staff member will be informed in writing that they have the right to have a friend present, if he or she wishes, in his or her discussions. The staff member shall be given reasons for the suspension and, wherever possible, this should be in the presence of a work colleague, if the staff member so requests.

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A formal disciplinary panel shall then be constituted by the Management Committee which will include the Senior Youth Worker. The member of staff shall be advised in writing of the right to be accompanied by a work colleague for the purpose of submitting evidence or making a statement at such investigation. Witnesses may be called and questioned by all parties.

If, after investigation, the decision is taken to dismiss the staff member, then the Chair shall confirm the decision in writing within three working days together with the reasons for the decision and advising of the rights of appeal.

The following are examples of offences amounting to gross misconduct. The decision on which option (s) to pursue will rest with the relevant management (in consultation with the Trust.) The list is not exhaustive or exclusive:

- theft or unauthorised removal of property or receipt of stolen property of MAY or the Development Trust or any member, employee or visitor to the Yard Youth Club;
- wilful damage to any property within the precincts of the Yard Youth Club or Green Hill;
- forgery involving the deliberate falsification of documents or other materials;
- threatening or using physical violence or gross abuse against any member of or visitor to the centre, or any other authorised person present on Development Trust property;
- sexual or racial harassment or bullying of a young person, member of staff, volunteer or visitor;
- serious insubordination and/or refusal, without reasonable cause, to carry out a legitimate instruction given by a member of staff or an authorised volunteer;
- wilful disregard of duties or instructions relating to employment or volunteering;
- wilful breach of MAY's Confidentiality Policy;
- wilful and serious breach of MAY's Health and Safety Policy or instructions;

- incapacity to work due to being under the influence of alcohol or illegal drugs, where conduct could endanger young people, volunteers, staff, or the public;
- conviction of any criminal offence which in the Management Committee's view may render the person concerned unfit to hold his or her post;
- negligence resulting in serious loss, damage or injury.

Criminal Offences Outside Employment

A criminal offence that would not have resulted in an unsatisfactory result of a DBS check shall not normally be treated as an automatic reason for dismissal.

However, a member of staff or volunteer who is currently under investigation for a "relevant offence" (which would have resulted in an unsatisfactory result of a DBS check) will necessarily be immediately suspended of employment or volunteering duties. This must continue until a court judgement or verdict on the alleged offence has been delivered.

A member of staff or volunteer who accepts a caution or receives a conviction for a "relevant offence" must then submit his or her appointment for re-approval by the Management Committee, who will consider whether the member of staff or volunteer should be dismissed from his or her role with MAY or continue to work with young people. If necessary this shall be done in consultation with the Senior Youth Worker, other staff and volunteers of MAY.

Certain offences will result in an automatic bar from working in regulated activity with children, such as youth work. In this case the offence is a reason for automatic dismissal.

A person who has committed other "relevant offences" is permitted to make representations to appeal a bar to working with children. When making any decisions the Management Committee will abide by their statutory responsibilities under the applicable Legislation, and refer to the guidance document produced by the Disclosure and Barring Service (both of which are referenced below). Above all, the Management Committee must prioritise MAY's responsibility to the safety of young people.

Staff members/volunteers shall not be dismissed solely because they are absent through

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being remanded in custody.

Appeals Against Formal Warnings

- MAY will inform the member of the right to appeal against a formal warning and of the procedure to be followed.
- A staff member who wishes to appeal against a formal warning should submit in writing notice of appeal to the Chair of the trust within five working days of receipt of the written notice of a formal warning, together with full reasons for the appeal. The appeal application will normally be considered by the manager. A hearing will normally be arranged within two weeks of receipt of the appeal application. The staff member will be informed in writing of the right to be accompanied by a local branch trade union representative or a work colleague.
- After considering the case, the Chair will decide to proceed in one of the following ways:
 - to uphold the appeal and expunge the warning from the employee's record;
 - to modify the warning or its duration; or
 - to dismiss the appeal and confirm the warning.
 - The member of staff will be informed of the outcome in writing.
- The above disciplinary procedure shall not extend to staff members with less than 26 weeks' continuous service.

Returning to the role after suspension

The person may return to their role if they do not pose a risk to young people in that role because:

- there is no evidence to prove the allegations, and the Senior Youth Worker and Safeguarding Officer have evidence that the person is suitable to continue in their role;

OR

- the allegation or concern did not meet the threshold for criminal activity, or
- the allegation or concern did not cause physical injury

and

- the allegation or concern consisted of a small number of minor issues, or
- the allegation or concern has been identified as a one-off occurrence, or
- the Management Committee agree that the action of the member of staff which caused a complaint, while not adhering to policy, could be described as reasonable or justifiable in the circumstances

and

- the issue has been addressed through more training and organisational support.

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It is the responsibility of the Management Committee to ensure that discussions with the member of staff and the Senior Youth Worker take place to establish what support is required with the member of staff, and that the support is then provided.

Statutory basis

Working Together to Safeguard Children (2018)

Guidance for Safer Working Practice for Adults who Work with Children and Young People (2009)