

Employee Code of Conduct

Date Approved:	19/09/2025	Approved By:	Managing Director		
Next Review Due Date:	19/09/2026	Manual ID Number:	BSA044	Version No:	2
Author and Responsible Manager:	Head of Centre				
Applicable to:	Staff				
Publication:	Staff SharePoint				

Document Control

Version	Date	Author	Notes on Revisions

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1. Application and scope of the Code of Conduct

1.1. This code of conduct has been produced to help employees establish safe and professional learning and working environments. The aims are to safeguard all students and employees and to reduce the risk of employees being falsely accused of improper or unprofessional conduct. This guidance has been modelled around the 'Guidance for safer working practice for those working with children and young people in education settings' (updated in 2019) and other relevant guidance.

1.2. Clear professional boundaries will help to ensure employees do not place themselves or others at risk. Where employees are in any doubt, they are to seek guidance from their line manager.

2. Duty of care

2.1. All employees are accountable for the way in which they exercise authority, manage risk; use resources; and protect employees and students from discrimination and avoidable harm.

2.2. All employees have a duty to keep themselves and all students safe and to protect them from physical and emotional harm. This duty is in part exercised through the development of respectful, caring and professional relationships between employees and students and behaviour by employees that demonstrates integrity, maturity and good judgement.

3. Exercise of professional judgement

3.1. This document highlights behaviour that is illegal, inappropriate or inadvisable. It cannot, however, provide an exhaustive checklist of what is, or is not, appropriate behaviour for employees.

3.2. There may be occasions and circumstances in which employees have to make decisions or take action in the best interests of the student/s or other employees where no explicit guidance exists. Individuals are therefore expected to make professional judgements about their behaviour to secure the best interests and wellbeing of the individual and in so doing, will normally be seen to be acting reasonably.

3.3. Where there is no specific guidance, employees may wish to discuss the circumstances that informed their action, or their proposed action, with their line manager. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted.

3.4. If any misunderstanding, accidents, or threats occur, employees are to discuss with a member of BSA's Management Team immediately, noting discussions and actions taken with their justification.

4. Power and positions of trust

4.1. As a result of their knowledge, position and/or the authority invested in their role, all BSA employees are in positions of trust in relation to the people in their care. A relationship between an employee and a student cannot be a relationship between equals. There is potential for exploitation and harm of students, particularly young people and adults who are vulnerable, and employees have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

4.2. Employees therefore must not become personally involved with students, become their friend, confidante or surrogate parent (see section 5).

4.3. Employees must not use their power to intimidate, threaten, coerce or undermine students.

4.4. Employees must avoid behaviour which might be misinterpreted by others, and report immediately to a manager and note any incident with this potential.

4.5. Where a person aged 18 or over is in a position of trust with a child under 18, it is a criminal offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity. Where the person is an adult who is vulnerable, it is potentially always an offence.

4.6. Employees must not use their status and standing to form or promote relationships with students, which may include those of a sexual or personal nature.

5. Personal and professional relationships

5.1. All employees are required to maintain professional and appropriate relationships with students of all ages, other employees and stakeholders. Employees are to ensure appropriate communication and contact with students, other employees and stakeholders that will avoid situations that may put them at risk.

5.2. Examples of personal relationships in the context of this code of conduct are:

- A family relationship
- A social relationship for example, a close friend
- A business/commercial/financial relationship
- A sexual/romantic relationship (in the case of adult students or employees only)

This list is not exhaustive

5.3 Employees who have an existing personal relationship with a student as defined in 5.2 must declare this relationship. It is not expected that employees would normally develop relationships with students, however in circumstances where this does occur, for example through a new family relationship, this relationship must also be declared. This declaration can be made in confidence to the Head of Centre who will decide as to whether:

- the relationship will need to be disclosed within the delivery team
- changes in the employee responsibility for the student is required
- changes to the employee's location of work
- no further action is required/what further action is required
- there are any safeguarding concerns which need to be addressed

5.4 It may be necessary to make changes that may include:

- ensuring the employee does not have sole responsibility for aspects of the student's work which requires judgement, such as assessment
- ensuring the employee is not solely able to take decisions affecting the student, including the provision or withholding of any of the following: pastoral care, administrative matters and allocation of places on courses.
- ensuring that appropriate action is taken to minimise the potential effect of the personal relationship upon other employees or students.

5.5 Employees who have or develop personal relationships with other employees must not have a direct line reporting relationship.

5.6 Employees who have or develop personal relationships with other employees should not be in the same line management structure without the relationship being known and declared to the Head of Curriculum / Service Area who will determine if any further action is required.

5.7 It is the employee's responsibility to declare this to the Head of Curriculum/Service Area and not to rely on presumed knowledge of any relationship between employees, students or stakeholders.

5.8 It may be necessary to make changes that may include:

- ensuring that the employee is not able to take decisions affecting other

employees, including the provision or withholding of any of the following:
performance, reward, promotions, training provisions or preferential working arrangements

- ensuring that appropriate action is taken to minimise the potential effect of the personal relationship upon other employees or students.

5.9 The Line Manager should monitor these relationships and discuss any concerns with the individuals concerned and seek appropriate action to ensure that personal / professional boundaries are managed and maintained.

5.10 Employees are to be aware that their professional relationship with current students is deemed to exist when outside of BSA, even if an employee is away from work, any interaction that may occur with students can impact upon work. Any report by a student of misconduct outside of the work environment may still be investigated. Employees are therefore advised to avoid contact with students in social situations outside of BSA. Please refer to section 10 for further information.

5.11 An employee who is responsible for the awarding or has influence in the awarding of BSA procurement contracts must declare an interest if a relationship with a potential supplier exists and withdraw from that process.

5.12 An employee who is a hiring manager within a resourcing process or has influence over the selection of candidates must declare if a relationship exists in any form and potentially withdraw from that process.

6 Confidentiality

6.1 Employees may have access to confidential information about students and other BSA employees to undertake their everyday responsibilities. In some circumstances employees may be given additional highly sensitive or private information.

6.2 Employees must never use confidential or personal information about a student, another employee or her/his family for their own, or others' advantage including that of partners, friends, relatives or other organisations.

6.3 Information must never be used to intimidate, humiliate, or embarrass another individual. Confidential information about a student or employee must never be used casually in conversation or shared with any person other than on a need-to-know basis.

6.4 In circumstances where a persons' identity does not need to be disclosed the information should always be used anonymously.

6.5 Where there is a suspected safeguarding issue, employees are to promptly pass on information in line with the BSA's Safeguarding Policy and Procedure.

6.6 If an employee is in any doubt about whether to share information internally or

externally on request, or keep it confidential, he or she is to refer to the General Data Protection Regulations (GDPR) or seek guidance from BSA's Data Protection Officer (DPO)

6.7 The storing and processing of personal information about students is governed by GDPR. Employees should refer to the BSA's Data Protection Policy for further guidance.

7 Propriety and behaviour

7.1 All employees have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of young people and vulnerable adults. They must adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, students and the public in general.

7.2 An individual's behaviour must not compromise her/his position within the work setting, nor bring BSA into disrepute. Professionalism involves using judgement regarding appropriate standards of personal behaviour.

7.3 Employees must not make sexual or other inappropriate remarks to a student or another employee, including:

- email, text messages, phone, social media or letters of a sexual nature
- discuss their own sexual relationships with, or in the presence of, students
- discuss a student's or colleague's sexual relationships in inappropriate settings or contexts
- make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such, by any individual.

This list is not exhaustive.

7.4 Employees should not behave in a manner which would lead any reasonable person to question their suitability to work within BSA.

7.5 Employees must remain politically neutral whilst at work or in the course of their employment.

7.6 Employees must not disclose irrelevant personal information to students.

8 Dress and appearance

8.1 A person's dress and appearance are matters of personal choice and self-expression. However, employees should consider the manner of dress and appearance appropriate to their professional role which may be different to that adopted in their personal life.

8.2 Employees are to ensure they are dressed appropriately and safely for the tasks

they undertake whilst at work. Those who dress in a manner which could be considered inappropriate could render themselves vulnerable to criticism or allegation.

8.3 Clothing obscuring an individual's face is not usually allowed on BSA premises. However, this is allowed when required for Health and Safety or work-related reasons e.g. laboratory goggles.

8.4 It is unlawful to discriminate against employees because of their religion or belief or lack of religion or belief. At BSA, we celebrate the diversity of our employees and aim to create an environment where the cultural, religious and non-religious or similar philosophical beliefs of all are respected.

8.5 If this advice produces a conflict with an individual's religious belief, the individual's line manager will, with the aim of finding a satisfactory compromise, sympathetically consider the issue and should not prohibit the employee to cover their face unless there is an over-riding health and safety or business need, referring to BSA's Health and Safety Policy for further guidance.

8.6 Overall, employees must promote a positive and professional image that is appropriate to their role, which:

- Is businesslike and positively promotes the profession of education and training ☐
- is not likely to be viewed as offensive, revealing, or sexually provocative ☐
- does not distract, cause embarrassment or give rise to misunderstanding ☐
- is absent of any political or otherwise contentious visuals or slogans ☐
- is not considered to be discriminatory

9 Gifts

9.1 Employees should be aware of BSA's procedures on accepting gifts including arrangements for the declaration of gifts received and given (See section 10, Gifts and Hospitality and Anti-Fraud, Corruption and Bribery Policy). It is against the law to take bribes and employees need to take care that they do not accept any gift that might be construed as a bribe by others or lead the giver to expect preferential treatment.

9.2 There are occasions when individuals, customers, students or parents wish to pass small tokens of appreciation to employees e.g. at Christmas or as a thank you and this is acceptable if the cost of the gift is of modest value, normally £15.00 or less. However, it is unacceptable to receive gifts on a regular basis.

9.3 It is inadvisable to give such personal gifts to students. This could be misinterpreted as a gesture either to bribe, or single out the student. It might be perceived that a 'favour' of some kind is expected in return. Similarly, no compliments to individual students, other than feedback about work completed, should be given to students as it might be perceived as favouritism.

9.4 Any reward given to a student or employee is to be within an agreed practice at BSA and not based on favouritism.

9.5 Employees are not to give loans or money, however small, to students.

9.6 Employees are to ensure that gifts received or given in situations which may be misconstrued are declared (See section 9.1).

10 Infatuations

10.1 Employees need to be aware that it is not uncommon for students to be attracted to an employee and/or develop an infatuation. All situations are to be responded to sensitively to maintain the dignity of all concerned. Employees should also be aware that such circumstances always carry a high risk of words or actions being misinterpreted and for allegations to be made against employees.

10.2 An employee becomes aware through verbal or written communication or physical behaviour, that a student may be infatuated with themselves or a colleague, are to discuss and report this at the earliest opportunity with their line manager so that appropriate action can be taken. In this way, steps can be taken to avoid hurt and distress for all concerned.

11 Social contact and communication

11.1 Employees are not to establish or seek to establish social contact with students for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a student seeks to establish social contact, or if this occurs coincidentally, the employee should exercise her/his professional judgement in making a response and be aware that such social contact could be misconstrued. To avoid any doubt, employees should raise this matter with their line manager.

11.2 Employees are to not give their personal details such as home/mobile phone number, personal email address or personal social media account details to students.

11.3 Employees are not to visit or make arrangements to visit students outside of work or on any site which is not BSA premises without explicit, appropriate instruction and must always be accompanied by another BSA employee.

11.4 There may be circumstances where an employee may need to make visits to other employees at home e.g. for the purpose of absence. Any employee visiting an employee at their home address is normally to be accompanied by another employee.

11.5 Where BSA encourages employees to make reasonable and appropriate use of social media as part of their work, it is recognised that it is an important part of how BSA communicates with its audience and allows communication and networking between employees, students and stakeholders.

11.6 Employees should use the same safeguards as they would with any other form of communication about BSA in the public sphere. These safeguards include:

- making sure that the communication has a purpose and a benefit for BSA □
- obtaining permission from a line manager before embarking on a public campaign using social media
- getting a colleague to check the content before it is published

11.7 At BSA, we recognise that many employees make use of social media in a personal capacity. Whilst in this context it is acknowledged they are not acting on behalf of BSA, employees must be aware that they can damage the reputation of BSA if they are recognised as being one of our employees or associated with BSA.

11.8 Any communications that employees make in a professional or personal capacity through social media must not:

- breach confidentiality, for example by:
 - revealing confidential intellectual property or information owned by BSA
 - giving away confidential information about an individual such as a colleague or customer or organisation such as a partner institution
 - discussing BSA's internal workings such as agreements that it is reaching with partner institutions/customers or its future business plans that have not been communicated to the public
- do anything in the course of their employment that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:
 - making offensive or derogatory comments relating to sex, gender reassignment, race including nationality, disability, sexual orientation, religion or belief or age
 - bullying or making comments that could be deemed as bullying of another individual such as an employee of BSA
 - posting images that are discriminatory or offensive or links to such content
- bring BSA into disrepute, for example by:
 - criticising or arguing with students, customers, colleagues, partners or competitors
 - making defamatory comments about BSA, individuals or other organisations or groups
 - posting images that are inappropriate or links to inappropriate content
- breach copyright, for example by:
 - using someone else's images or written content without permission
 - failing to give acknowledgement where permission has been given to reproduce something.

12 Physical contact or intervention

12.1 There are occasions when it is entirely appropriate and proper for employees to have physical contact with students or other employees, but it is crucial that they only do so in ways appropriate to their professional role.

12.2 Some employees, for example, those who teach sport or who offer music or dance tuition will on occasions have to initiate physical contact in order to support students so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise.

12.3 There may be occasions when a distressed student or employee needs comfort and reassurance. Employees should always remain self-aware in order that their contact is not threatening, intrusive or subject to misinterpretation.

12.4 Employees may find themselves in a situation where they need to intervene legitimately to prevent:

- a student or colleague from committing a criminal offence
- injuring themselves or others
- causing damage to property
- or to maintain good order and discipline.

12.5 Employees are to always have regard to the health and safety and wellbeing of themselves and others.

12.6 Physical contact should never be secretive, or for the gratification of the individual, or represent a misuse of authority. If an employee believes that an action could be misinterpreted, the incident and circumstances are to be reported immediately to their line manager.

12.7 Students are entitled to respect and privacy whilst changing clothes or taking a shower. However, there needs to be an appropriate level of supervision to safeguard young people and satisfy health and safety considerations. This supervision should be appropriate to the needs and age of the students concerned and sensitive to the potential for embarrassment.

12.8 Employees working in one-to-one situations with students may be more vulnerable to allegations. Therefore, every attempt should be made to ensure the safety and security needs of both employees and students are met. Employees should consider whether the environment they are in may place them in vulnerable situations.

12.9 Employees are not to transport students in their private vehicles. Other means of transport should be arranged such as using BSA transport or the services of a taxi company.

13 Photography, videos and other recordings

13.1 Many activities involve recording images. These may be undertaken as part of the curriculum, enrichment activities, for publicity, or to celebrate achievement.

13.2 Employees need to be aware of the potential for these recordings to be misused. Careful consideration is to be given as to how these activities are organised, undertaken and the images stored. Regard needs to be given when they involve young or vulnerable students who may be unable to question why or how the activities are taking place. Permission should be obtained from students and guidance may be provided by BSA's Marketing team.

13.3 Employees should remain sensitive to any students or employees who appear uncomfortable and should recognise the potential for misinterpretation.

13.4 Using images of students for publicity purposes will require their consent or that of their legal guardians, where they are under 18 years of age. Images are not to be displayed on websites, in publications or in a public place without such consent and in line with GDPR.

14 Behaviour management in the workplace

14.1 All employees and students have a right to be treated with respect and dignity. Employees are not to use any form of degrading treatment to reprimand, insult or cause offence to a student or colleague.

14.2 It is recognised that the use of humour can help lighten a scenario, build professional relationships, break down barriers or defuse a situation. However, the use of negative sarcasm, demeaning actions or insensitive comments towards students, other employees or stakeholders is not acceptable in any situation.

7. Equality Impact Assessment

Impact Assessment for the 4 strands of Equality, Safeguarding, Health and safety and Sustainability	
Initial Form to be completed with Risk Assessments or as part of a proposal or change to a policy, plan or new way of working	
Title of Activity:	☐ New or ☒ Revision

Author and Date: Dionne McCann Nov 2020	(Tick as appropriate) Expected Implementation Date: Nov 20 What is the Review Date: Every 2 Years
Equality and Diversity. Which of the characteristics may be impacted upon? And, if yes, how has this been considered? What are the risks? What are the benefits?	None, no impact
Safeguarding: Are there any aspects of this proposal which could cause a Student/member of staff/visitor to feel unsafe? If yes, how has this been considered? What are the risks? What are the benefits	☐ Yes ☒ No
Health and Safety: Have any risks been identified? If yes, how has this been considered? What are the risks? What are the benefits?	☐ Yes ☒ No
Sustainability: Are there expected benefits or impacts on sustainability issues? If yes, how have these been considered?	☐ Yes ☒ No
Evidence: What evidence do you have for your conclusions and expectations for these conclusions? How will this impact be monitored for all these considerations?	Quality is monitored through both internal and external reviews
Is this policy of a high/medium or low risk? :	☐ High ☐ Medium ☒ Low