

# Tutor Code of Conduct & Behaviour Policy

<b>Introduction</b>	<b>1</b>
1. Objectives	2
2. Making Professional Judgements	3
2.1. Power and Positions of Trust and Authority	3
3. Confidentiality	4
4. Standards of Behaviour	5
4.1. Declaring Your Identity	6
4.2. Dress and Appearance	6
4.3. Inappropriate or Abusive Images	7
4.4. Exposure to inappropriate images	8
5. Communication With Students	9
6. Use of Technology for Online Tutoring	10
7. Quality Assurance and Reviews	11
<b>How to Report Concerns</b>	<b>12</b>
Inappropriate language	12
Inappropriate behaviour	12
Inappropriate or abusive images	12
Disclosure of/witness to abuse towards or in the presence of a student	13
Disclosure of inappropriate/sensitive information	13
<b>Whistleblowing Procedures</b>	<b>14</b>

## Introduction

Sherpa Online is committed to delivering a high-quality educational experience, aimed at empowering students of all ages. Recognising that behaviour plays a crucial role in a learner's experience, this policy sets forth our expectations for tutors on Sherpa.

We amend these terms from time to time. Every time you wish to use our site, please check these terms to ensure you understand the terms that apply at that time. These terms were most recently updated on 13/08/2024.

## 1. Objectives

Sherpa is committed to providing the highest possible standard of personal safety, well-being and safeguarding for each student and tutor.

It is recognised that the vast majority of adults who work with students act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for the student.

Achieving these aims is not always straightforward, as much relies on the interactions between students and tutors, where tensions and misunderstandings can occur.

This policy aims to reduce the risk of these misunderstandings by outlining a code of conduct for the tutor to adhere to, which is in line with the Guidance for Safer Working Practice (2022), issued by the Safer Recruitment Consortium in conjunction with the Department for Education (DfE).

The underpinning principles for safer working practices are:

- The safety and welfare of the student are paramount
- Tutors understand their responsibilities to safeguard and promote the welfare of students. These include:
  - To read and understand the statutory guidance 'Keeping Children Safe in Education'.
  - To be aware of signs that a student might be experiencing potential harm (a list of these signs can be found within Sherpa's Safeguarding Policy)
  - The legal responsibility to raise a concern when they think the student is at risk of harm, regardless of the level of severity.
  - To make sure that the student feels safe and comfortable during all lessons.
  - To keep a professional relationship with a student at all times.
  - Tutors are responsible for their own actions and behaviour and should avoid any contact which would lead any reasonable person to question their motivation and intentions.
  - Tutors will work, and be seen to work, in an open and transparent way
  - Tutors acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded
  - Tutors will apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation
  - Tutors will not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to deliver tutoring to students
  - Tutors will be made aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings, including being barred by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct, prohibition from teaching/tutoring by the Teaching Regulation Agency for those with NQTS/QTS

The Sherpa Management Team will continually monitor and review safer working practices to make sure this policy is followed, and as an organisation, we continue to be compliant.

Tutors will be provided with a copy of the Sherpa Safeguarding Policy and Procedures, which should be read in conjunction with this policy.

## **2. Making Professional Judgements**

Whilst this document cannot provide a complete checklist of what is or is not appropriate behaviour for tutors, it does highlight behaviour which is illegal, inappropriate or inadvisable. Individuals are expected to make judgments about their behaviour in order to secure the best interests and welfare of the student in their charge, and, in so doing, will be seen to be acting reasonably. These judgements should always be recorded and shared with Sherpa.

Tutors should always consider whether their actions are warranted, proportionate, safe and applied equitably.

This means that where no specific guidance exists, tutors should:

- Discuss the circumstances that informed their action or their proposed action with the Designated Safeguarding Lead (DSL) or Deputy DSL. You can do so by emailing [safeguarding@sherpa-online.com](mailto:safeguarding@sherpa-online.com), who will be able to advise you on the appropriate action that needs to be taken. This will help to ensure the safest practices are employed and reduce the risk of actions being misinterpreted.
- Always discuss any misunderstanding, accidents or threats with the DSL (or Deputy) at Sherpa.
- Always record discussions and actions taken with justifications
- Record any areas of disagreement in case the matter needs to be raised at a higher level

### **2.1. Power and Positions of Trust and Authority**

As a result of their knowledge, position and/or authority invested in their role, tutors are in a position of trust in relation to students requesting tuition.

The relationship between a person working with a student or young person is one in which the adult has a position of power or influence. It is vital for tutors to understand this power, that the relationship cannot be one between equals and the responsibility they must exercise as a consequence.

The potential exploitation and harm of vulnerable students means that tutors have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Tutors should always maintain appropriate professional boundaries, avoid behaviour which could be misinterpreted by others and report and record such an incident.

Where a person aged 18 or over is in a position of trust with a student under the age of 18, it is an offence for that person to engage in sexual activity with or in the presence of that student or to cause or incite that student to engage in or watch sexual activity (Sexual Offences Act, 2003).

Additionally, tutors must avoid any sexual innuendos and flirting. Tutors are also responsible for letting Sherpa know if they feel someone is flirting with them, as this is against our safeguarding policy. All lessons should be conducted in a professional manner, and students are expected to behave professionally as well.

This means that tutors should NOT:

- Use their position to gain access to information for their own advantage and/or the student's or family's detriment
- Use their power to intimidate, threaten, coerce or undermine students
- Use their status and standing to form or promote relationships with students which are of a sexual nature or which may become so. Flirting falls under this umbrella and could be seen as a form of grooming.

### **3. Confidentiality**

Tutors should never use confidential or personal information about a student or their family for their own or others' advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate or embarrass the student.

Confidential information should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the student's identity does not need to be disclosed, the information should be used anonymously.

If a student or their parent/carer/responsible adult makes a disclosure regarding abuse or neglect, the tutor must follow the safeguarding procedures of Sherpa. The tutor should not promise confidentiality to a student or their parent/carer but should give reassurance that the information will be treated sensitively.

If a tutor is in any doubt about whether to share information or keep it confidential, they should email [safeguarding@sherpa-online.com](mailto:safeguarding@sherpa-online.com) to seek advice from the DSL.

This means that Sherpa will:

- Ensure that all tutors who need to share 'special category personal data' are aware that the DPA 2018 contains 'safeguarding of individuals at risk' as a processing condition that allows professionals to share information without consent if it is not

possible to gain consent, it cannot be reasonably expected that a professional gain consent, or if to gain consent would place a student 'at risk'.

This means that tutors:

- Need to know the contact details for the Safeguarding team (safeguarding@sherpa-online.com)
- Must be familiar with Sherpa's safeguarding procedures, including how to report a concern through our [online safeguarding concern form](#).
- Are expected to treat information they receive about students and their families in a discreet and confidential manner
- Should seek advice from the DSL/Deputy DSL if they are in any doubt about sharing information they hold or which has been requested of them
- Need to be clear about when information can/must be shared and in what circumstances.
- Need to make sure that, where personal information is recorded electronically, that systems and devices are kept secure.

#### **4. Standards of Behaviour**

All tutors have a responsibility to maintain public confidence and most importantly, the confidence of students and their parents/carers in their ability to safeguard the welfare and best interests of a student.

Tutors should adopt high standards of personal conduct in order to maintain this confidence and respect of the general public and all those with whom they work.

Tutors should be aware that their behaviour, either in or out of the workplace, could compromise their position within Sherpa in relation to the protection of children, loss of trust and confidence, or bringing Sherpa into disrepute.

This means that tutors should NOT:

- Behave in a manner which would lead any reasonable person to question their suitability to work with children or to act as an appropriate role model
- Make or encourage others to make sexual, racial, homophobic or any other discriminatory remarks to or about a student. This includes flirting and sexual innuendos
- Use inappropriate language (e.g. swearing) to or in the presence of students

- Discuss their personal or sexual relationships with or in the presence of students
- Make (or encourage others to make) unprofessional personal comments that scapegoat, demean, discriminate or humiliate, or might be interpreted as such
- Make contact with any student online or offline except within the Sherpa platform

This means that tutors should:

- Be aware of relevant policies and procedures
- Always report any situation where a student becomes distressed, anxious or angry.
- Consider the needs and circumstances of the student(s) involved.
- Inform Sherpa of any cautions, convictions, or relevant orders accrued during their employment and/or if they are charged with a criminal offence or have been placed on the DBS barred list.
- Be aware that by themselves, those with whom they have a relationship or association, or others in their personal lives may impact their work with Sherpa.

#### **4.1. Declaring Your Identity**

For the duration of being an active tutor on Sherpa, your tutor profile picture must always:

- Be a clear headshot, with your face fully visible (no hats or sunglasses).
- Include just yourself and not any other individuals.
- Be high quality, with sharp definition and not blurry.

#### **4.2. Dress and Appearance**

Tutors should select a manner of dress and appearance appropriate to their professional role and which may be necessarily different to that adopted in their personal life. Those who dress or appear in a manner which could be viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegation.

This means that tutors should wear clothing that:

- Promotes a positive and professional image
- Is appropriate for their role
- Is not likely to be viewed as offensive
- Does not distract, cause embarrassment or give rise to misunderstanding
- Is absent of any political or otherwise contentious slogans
- Is not considered to be discriminatory
- Is compliant with professional standards
- Does not impede the ability to identify the tutor.

**Face Coverings:**

Face coverings are permitted during introductions and lessons. However, if a tutor chooses to wear a face covering, they must briefly reveal their face at the beginning of the session to confirm their identity. Once the student has confirmed their identity, the tutor may replace the face covering for the remainder of the session. This is for safeguarding reasons.

Failure to follow the dress code and surrounding code of conduct could result in removal from the platform.

### **4.3. Inappropriate or Abusive Images**

Youth Produced Sexual Imagery (YPSI or “Sexting”) can be defined as images or videos generated by students under the age of 18 that are of a sexual nature or are considered to be indecent. These images may be shared between young people and/or adults via a mobile phone, webcam, handheld device or website/app.

The taking and sharing of sexual imagery of children by children is illegal. Once an image has been shared, control of it has been lost and is unlikely to ever be fully regained.

Young people may consent to sending a nude image of themselves. They can also be forced or coerced into sharing images by their peers or adults online. If a person originally shares the image consensually, they have no control over how other people might use it. If the image is shared around peer groups, it may lead to bullying, exploitation and isolation.

Perpetrators of abuse may circulate a nude image more widely and use this to blackmail and/or groom the person for further sexual abuse.

It is a crime to take, make, permit to take, distribute, show, possess, possess with intent to distribute or to advertise indecent images of any person below the age of 18 (Crime and Justice Act 1988, section 160, Protection of students Act, 1978, section 1,1a).

Tutors should be aware that the prosecution or criminalisation of children for taking indecent images of themselves and sharing them should be avoided where possible. Being prosecuted through the criminal justice system is likely to be upsetting and distressing for students and young people, especially if they are convicted and punished. The label of sex offender that would be applied to the person can be extremely detrimental to their future health and well-being.

For students aged 18+, tutors may need to be aware of the Criminal Justice and Courts Act 2015, which states that sexually explicit images or videos of adults sent without consent electronically, with the intent to cause distress, is illegal.

This includes the sharing of images without consent both on and offline and includes the physical distribution of images. This is also known as “revenge pornography”. Further information can be found on the [NSPCC](#) website.

This means that tutors should NOT:

- Display any material (either pictures or words) of a student or adult that is sexually explicit
- Display any other images perceived to be inappropriate either due to the age of the student or the content of the image
- Take or record images of students for their personal use
- Display or distribute images of students unless they have secured parental consent to do so (and, where appropriate, consent from the student).
- View or download any images when a student has informed them that a nude photo of them has been shared - it is illegal to view or possess sexually explicit images of anyone under the age of 18.

This means that tutors should:

- Where they witness a display of inappropriate or abusive images of a student by or in the presence of a student, explain that due to the nature of the image(s), they will immediately terminate the session.
- Advise the DSL/Deputy DSL immediately after terminating the session via Sherpa's safeguarding concern form, to ensure any recordings can be preserved and made available for any subsequent police investigation.

Sherpa will:

- Report to the police all concerns regarding the display of inappropriate or abusive images of a student or in the presence of a student and make available to the police any recordings.

#### **4.4. Exposure to inappropriate images**

Tutors should take extreme care to ensure that students are not exposed, through any medium, to inappropriate or indecent images. There are no circumstances that will justify adults: making, downloading, possessing or distributing indecent images or pseudo-images of children (child abuse images). Accessing these images or making, storing or disseminating such material is illegal.

If indecent images of children are discovered connected to a tutor's account, an immediate referral will be made to the Local Authority Designated Officer (LADO), and the police will be



contacted if relevant. The images/equipment will need to be secured, and there should be no attempt to view or delete the images as this could jeopardise necessary criminal action.

If the images are of a student registered with Sherpa, a referral should also be made to children's social care in line with local arrangements.

Tutors should keep their passwords confidential and not allow unauthorised access to equipment. In the event of any indecent images of children or unsuitable material being discovered on a device, the equipment should not be tampered with in any way. It should be secured and isolated from the network, and the LADO contacted without delay.

Adults should not attempt to investigate the matter or evaluate the material themselves as this may lead to contamination of evidence and a possibility that they will be at risk of prosecution themselves

This means that the tutor should:

- Abide by the establishment's acceptable use and online safety policies
- Ensure that students cannot be exposed to indecent or inappropriate images
- Ensure that any films or material shown to students are age-appropriate

## **5. Communication With Students**

In order to make the best use of the many educational and social benefits of new and emerging technologies, students need opportunities to use and explore the digital world. Online risks are posed more by behaviours and values than by the technology itself.

Communication with students via online platforms should take place within explicit professional boundaries.

Tutors should not request or respond to any personal information from students other than what may be necessary for their professional role. They should ensure that their communications are open and transparent and avoid any communication which could be interpreted as 'grooming behaviour'.

Tutors should not give their personal contact details to students, for example, full name, e-mail address, home or mobile telephone numbers, or details of web-based identities, such as Facebook, Snapchat, Twitter, LinkedIn or Instagram (this is not an exhaustive list). If a student locates these by any other means and attempts to contact or correspond with the tutor, the tutor should not respond and must report the matter to the safeguarding team via the online safeguarding concern form. The student should be firmly and politely informed that this is not acceptable.

Tutors should, in any communication with students, also follow the guidance in the 'Standards of Behaviour' section of the code of conduct and should adhere to Sherpa's policies, including those with regard to communication with parents and carers and the information they share when using the internet.

This means that tutors:

- Should not seek to communicate/make contact or respond to contact with students outside of the purposes of their work
- Should not give out their personal details
- Should only use internet-enabled personal devices in line with Sherpa's acceptable use policies
- Should follow Sherpa's acceptable use policy and online safety guidance and ensure that their use of technologies could not bring Sherpa into disrepute
- Should not discuss or share data relating to students/parents/carers in tutor social media groups

## **6. Use of Technology for Online Tutoring**

Do not access your lesson from a mobile phone. The online classroom was designed to be used specifically on laptops or computers, so delivering a lesson from a mobile phone will lower the lesson quality for yourself and your students.

If you're experiencing tech problems on your laptop/PC, please contact our tech support team on our live chat in the bottom right-hand side of your screen, who'll be best placed to support you?

When engaging in online learning, tutors must give regard to the following:

- Visually confirm your identity to the student at the start of each session.
- Think about the background; photos, artwork, identifying features, mirrors – ideally, the background should be nondescript.
- There must be no other individuals present, as this will breach both the Code of Conduct and Safeguarding Policy.
- Make sure that, if using screen sharing, everything else is minimised on the computer that is personal.
- Resources/videos must be age-appropriate – the student may not have support immediately to hand at home if they feel distressed or anxious about content.

This means that tutors should:

- Adhere to the code of conduct at all times
- Be appropriately dressed
- Keep their camera on **at all times** during both introductions and lessons.
- Conducted lessons in a suitable environment, with the tutor fully visible on camera for the entire duration of the session.
- Make use of the [classroom's camera background blur function](#) to hide anything sensitive, distracting or potentially inappropriate at all times if necessary.

This means that tutors should NOT:

- Contact students outside the operating times defined by senior leaders
- Take or record images of students for their personal use
- Record virtual lessons or meetings using personal equipment
- Engage online while the student or anyone else on camera is in a state of undress or semi-undress
- Arrange to conduct a lesson off-platform, as this carries serious safeguarding risks to both yourself and the student
- Conduct lessons in public places, such as lecture halls, on trains, in libraries or coffee shops (this is not an exhaustive list).

## **7. Quality Assurance and Reviews**

Sherpa is committed to striving for excellence in the provision of all its services. We do this by actively reviewing the safeguarding systems in place.

We use an electronic recording system to capture all relevant data that supports the evidence and monitoring of compliance in safeguarding and online safety of our tutors and students. Our team routinely spot-checks introductions and lessons for quality assurance. This quality assurance mechanism is a crucial and integral part of the governance structure.

Sherpa stores all recordings for 365 days, but this can be extended for a longer period of time if we require the recording for an ongoing investigation regarding safeguarding, as it may need to be shared with an external agency for evidential purposes.

The records are all stored securely, with restricted access and in line with Sherpa's internal GDPR and data protection policies.

The leadership team will review this document annually to ensure it continues to reflect legislation and guidance. Any amendments will be submitted to the Directors for approval.

## How to Report Concerns

In all cases, reporting a safeguarding concern to Sherpa can be done directly through our [safeguarding concern form](#) or directly to our team by emailing [safeguarding@sherpa-online.com](mailto:safeguarding@sherpa-online.com).

If a tutor sees/experiences:

### Inappropriate language

The tutor will request, in a polite manner, that the student or other persons using inappropriate language refrains from doing so during the lesson session. If the language continues the tutor will explain that they will terminate the session due to the language.

They will report the matter to Sherpa who will decide on any further use of the service by the student or other person involved.

The tutor will have no further contact with the student unless by mutual agreement with Sherpa. Any unsolicited contact from the student or other persons following the termination of the session should be reported to Sherpa.

### Inappropriate behaviour

- a. The tutor will request, in a polite manner, that the student or other persons involved in the inappropriate behaviour refrains from the behaviour during the lesson session. If the behaviour continues the tutor will explain that they will terminate the session due to the behaviour and will report the matter to Sherpa who will decide on any further use of the service by the student or other person involved.
- b. The tutor should have no further contact with the student unless by mutual agreement with Sherpa. Any unsolicited contact from the student or other persons following the termination of the session should be reported to Sherpa.

### Inappropriate or abusive images

- a. Any display of adult pornographic images whilst in the presence of a student may constitute an offence under UK law. Any tutor witnessing the display of adult pornographic images by or towards a student should explain that the images should not be displayed during a session, terminate the session and report the matter to Sherpa.
- b. Any display of child abuse images or indecent images of a child (for these purposes, a 'child' is defined as anyone under the age of 18 years) is an offence under UK law.
- c. Any tutor witnessing a display of indecent images of a child by or in the presence of a student should explain that due to the nature of the images they will terminate the session. The tutor should then inform the UK police.

- d. The tutor should also inform Sherpa of the incident to ensure any recordings can be preserved and made available for any police investigation.
- e. The tutor should have no further contact with the student or any other person involved in the incident. Any unsolicited contact from the student or other persons following the termination of the session should be reported to the police and Sherpa immediately.
- f. This action should be taken so that the correct authorities can be alerted and can deal appropriately with the incident.
- g. The display of any other images perceived to be inappropriate, either due to the age of the student or the content of the image shall be reported to Sherpa at the discretion of the parent/responsible adult.

#### **Disclosure of/witness to abuse towards or in the presence of a student**

- a. Any physical or sexual abuse of a child is an offence under UK law. If a tutor receives information about such abuse from the student or other person present they should reassure the person that they can get assistance for them. It is the responsibility of the tutor to contact the UK police and report what has been witnessed.
- b. If the tutor witnesses any such abuse first-hand they should immediately contact the police and report the incident. The tutor should also inform Sherpa of the incident to ensure any recordings can be preserved and made available for any police investigation. The tutor should have no further contact with the student or other person involved in the incident. Any unsolicited contact from the student or other persons following the termination of the session should be reported to the police and Sherpa immediately.

#### **Disclosure of inappropriate/sensitive information**

- a. During a session sensitive information may be offered by a student or other person present. If the information relates to any kind of abuse the tutor should refer to 'Disclosure of/witness to abuse towards or in the presence of a student', above. The student or other person present should be discouraged from disclosing sensitive information by the tutor. If the information continues to be shared the tutor will determine the impact of the information and decide whether to continue or terminate the session and report the incident to Sherpa.
- b. Any information disclosed regarding the safety of a child should always be reported immediately to the UK police

## Whistleblowing Procedures

Sherpa provides a safe place for students and tutors to learn and educate, and we foster an environment where staff and tutors are easily able to raise concerns about poor or unsafe practices and potential issues with Sherpa's safeguarding processes.

We have a whistleblowing policy in place to allow staff or tutors to (optionally) anonymously report concerns about practices. Staff and tutors are educated about this whistleblowing policy during their induction and safeguarding training, and it allows concerns to be raised with Sherpa's leadership team.

If for any reason, a staff member or a tutor is unable to raise the issue with a manager or feels their concerns are being ignored, they are also informed of and have other channels available to them:

- General guidance on whistleblowing can be found at [Advice on Whistleblowing](#);
- The NSPCC's dedicated whistleblowing helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way concern is being handled by their school or college. Staff and tutors can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)