

Ethical Framework: Maintaining Professional Boundaries



Ethical Framework

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1. Introduction

South Thames College recognises that members of staff have a duty to maintain transparent, appropriate and professional relationships with learners at all times. These guidelines are designed to inform and protect both learners and staff by ensuring good practice and the promotion of learning. These guidelines:

- ensure that the College provides a safe environment for learners and staff
- assists members of staff to adhere to the boundaries of their professional roles in the College
- provide contextual and day to day guidance in order to follow College Safeguarding Children and Vulnerable Adults Policy and Procedures and Learner Disability, Disclosure and Confidentiality procedures
- should be read in conjunction with the staff Code of Professional Conduct and the Safeguarding Children and Vulnerable Adults Policy.

2. Scope

These guidelines relate to all staff, contractors, sub contractors and volunteers who work with learners.

3. Aims

The aims of these guidelines are to:

- increase awareness of each member of staff's need for appropriate, consistent, responsible professional boundaries whilst working with learners
- assist members of staff to use clear boundaries to protect learners and themselves from engaging in ambiguous behaviour, or

communication, that could be misinterpreted, inappropriate, illegal or harmful to the learners

- increase the use of internal support services for learners, which provide specialist support, with issues that may be interfering with their learning.

4. Principles

4.1 Boundaries and good practice while working with the public in a Further Education Setting

- All members of staff have a duty to clearly establish the limits of their involvement as defined by their role, with each learner or group of learners. Staff must not misrepresent themselves as being competent to provide specialist support towards learners as part of their role in South Thames College (unless they work for specific College support services)
- All members of staff must identify their professional boundaries whilst working at South Thames College. This includes recognising when they are faced with a situation outside of their role, responsibility, expertise or knowledge
- All members of staff work in a multidisciplinary setting and have a wide range of support available to them and to the learners. Staff members have an obligation to consult with other departments and services within the college with the aim of resolving problems and promoting the well being of the learners
- All members of staff are required to respect a learner's personal information and keep it private from other students or staff other than their line manager or staff requiring information in a professional capacity.

4.2 What are boundaries?

Many learners have difficulty with boundaries and may expect college staff to help them immediately with their personal problems. This might be because they are teenagers and unsure of themselves; or it may be because they have difficult, or stressful relationships, with their families. They may have no one else to turn to outside College. Therefore, they may have trouble recognising their own boundaries and what is appropriate to expect of college staff.

Where there is daily contact with learners, there will be a development of a professional working relationship and this development should be positive and enjoyable for both staff and learners. However, learners often have much less experience of relationships and roles than College professionals. It is common in this situation for a learner to 'reach out' to people they see on a daily basis (e.g. tutor, learning mentor, etc) and confide in them, particularly if they lack support outside of college. The responsibility is on College staff to set the

boundaries of their roles, in order that the learner is clear about what support may be offered. There may be the need to explain to the learner that although there are many things the College cannot help them with, it may be possible for the College to assist them to access the specific help and advice they require. This way there is no ambiguity and staff may continue to have a productive and positive relationship with the learner.

4.3 Appropriate boundaries whilst working with learners

There are some situations that are never appropriate while working with learners:

- Drinking alcohol
- Any illegal activity with a learner
- Having any form of sexual relationship with a learner
- Accepting money or gifts from a learner
- Lending money to learners
- Giving a learner a lift home
- Telling a learner your home address or home telephone phone number, or personal mobile telephone number
- Contacting them, or allowing them to contact you, via Facebook, Twitter or other social networking media
- Taking a learner to your home
- Promising to keep any information they disclose confidential
- Arranging to meet a learner outside of work hours or on non-College business
- Going to a learner's home
- Physical contact should be avoided unless for the purpose of professional assistance such as with a learner's self care
- Talking about a learner / member of staff in a public space where the conversation can be overheard
- Talking about a learner's private business in front of other learners
- Discussing a learner with another member of staff other than your line manager or other staff who have direct responsibility for that learner, without their consent
- Giving out any information about learners over the telephone to external bodies without their consent (unless approved by the Data Protection Officer)
- Sending business/external email or other communication containing a learner's name and personal information without their consent (unless approved by the Data Protection Officer)
- Storing personal data about learners in an unlocked drawer/cabinet/filing system
- Disposing of learner data in an unsecured manner
- Taking responsibility for a learner's personal property.

4.4 Why are these situations not appropriate?

This is because the above situations clearly involve College staff stepping outside their professional boundary with a learner or breaching their right to privacy. By overstepping boundaries the boundaries disappear. The learners no longer have the appropriate

professional distance that is necessary between a learner and a member of staff.

There have been extreme examples of teachers or social workers dismissed or charged with criminal offences for inappropriate behaviour with clients. Although for the vast majority of staff this kind of behaviour would be unthinkable, there are many more subtle ways staff may get into difficulties which may detrimentally affect members of staff or a learner. It is not always clear when these situations happen. It is good professional practice regularly to check out experiences with other colleagues. It is particularly useful, when unsure of a situation, to seek advice and clarification from more experienced colleagues, managers, or specifically skilled staff.

For issues relating to the Data Protection Act i.e. requests for information regarding a learner, staff should always seek advice from the Data Protection Officer, Head of CIS, as to whether the request can be complied with. Some official bodies may have permissions to access data in certain circumstances but staff should always check that this is the case. It should not be assumed that an official request for information from organisations such as the police or government offices is permissible.

Potentially dangerous situations are more subtle than the previous examples and vary greatly between learners, staff and situations. Here are some common scenarios that may help staff to think about potential boundary problems in their roles:

- allowing learners to touch or hug when they greet staff
- lending learners money (because they have had their wallet stolen, etc)
- paying more attention to some learners than others while working with them
- socialising with some learners, but not others (e.g. going for a cigarette, coffee or lunch with them)
- promising a learner confidentiality
- learners giving staff gifts or doing favours for staff
- learners discussing in detail personal problems and asking staff for advice
- discussing a learner with their friends or with colleagues because there is a concern about them.

4.5 What are the consequences of not maintaining boundaries?

- Staff are no longer legally protected. South Thames College's Vicarious Liability insurance applies only to approved actions and decisions in line with a member of staff's role. Once staff step outside what is the agreed job description and role staff lose entitlement to this protection and may be personally liable under Civil Law.
- Staff leave themselves open to allegations and criminal charges of sexual, physical or financial abuse.

- Staff leave themselves vulnerable to being assaulted or the subject of manipulative or obsessive “stalking” behaviour (the learner may believe that a member of staff’s actions indicates a personal, or inappropriate interest or relationship with them)
- Staff may feel overwhelmed by the disturbing emotional content of the problems learners share
- Staff may be subject to the College disciplinary process and be dismissed
- Staff may lose their reputation and employability.

4.6 What are the consequences for learners when staff do not maintain boundaries?

The consequences for learner are just as serious and potentially damaging, for example:

- Emotional / psychological damage of being included or excluded for special treatment. This reinforces low self esteem beliefs that some learners are more likable / popular / deserving than others whilst others are there to be ignored
- Can keep them in a dependant position rather than encouraging them to develop coping skills of their own and to be independent
- Emotional / psychological damage of receiving mixed or inconsistent messages from trusted, respected, professional role models
- Lead to abuse or punishment by parents / others
- Lead to anger, aggression and violence as the learner feels vulnerable and struggles to understand why staff perceived boundaries are different from those of others
- Ostracising or bullying by friends and classmates due to “special treatment” or exclusion from special treatment
- Can lead to future sexual / emotional exploitation as current behaviour reinforces their poor judgement of boundaries and inappropriate behaviour
- Cause exclusion from College and disruption / termination of their education
- Criminal charges for assault, abusive behaviour, stalking.

5. Support, Advice and Guidance available to staff

5.1 Whilst working with learners staff may develop strong relationships with them. At times defining the boundaries may be difficult in understanding the affect that the learner and staff member has on each other. It is important to know what assistance and support to offer in order that the learner may achieve.

5.2 However, this desire to assist may remove the learner’s ability to help themselves. By doing too much for them, they may be disempowered and it reinforces the view that they are a “victim” and that we are the “rescuer”. Encouraging increasing dependency on staff time can become emotionally and practically overwhelming. Good practice is to regularly seek advice and guidance from other professionals. If they

are more experienced in dealing with boundaries, they may have valuable advice and strategies to try:

- Staff may choose to discuss an issue in confidence with their line manager
- Staff may choose to discuss an issue with the College counselling team in the Advice Centre. The counsellors will provide staff with impartial, practical advice regarding appropriate and useful strategies whilst working with boundary issues. All contact with this service is confidential
- Staff may choose to access an external Counselling and Advice Service. South Thames College has an Employee Assistance Programme, provided by an external contractor. They can be contacted via www.pponline.info or Freephone 0800 289 316. Leaflets are available from Human Resources
- Staff may choose to discuss an issue with their Trades Union in confidence.

6. Support, Advice and Guidance available to learners

6.1 There is a wide range of specialist, professional support available in the College to meet the needs of the learners. It is very important that staff recognise when an issue is beyond their role and expertise. Although well intentioned, staff will probably do more harm than good trying to help a learner with an issue that they are not trained to work with. It is also very confusing for the learner who may misinterpret help to mean that they are regarded as “special”. Other learners then may interpret staff actions to mean they are less deserving of attention than the “special” learners and may reinforce their low self esteem.

6.2 It is often not clear which service(s) would benefit the learner. Please contact any of the services below who would be happy to advise staff on suitability and to arrange appropriate appointments for the learners. Contact details are available for all these services on Blackboard, in tutor packs and in leaflets in the Advice Centre and Student Services. Learners can get support and advice from:

- **Additional Learning Support Service:** confidential assessment and support with Specific Learning Difficulties; Other Learning Difficulties, Physical Disabilities; Medical Conditions; Mental Health Issues; Deaf or Partially Hearing; Blind or Partially Sighted and Examination Access Arrangements
- **Advice Centre:** confidential counselling on any issue; impartial welfare advice and guidance on a wide range of issues such as homelessness, benefits, financial problems; guidance to help learners understand their options in education, training and work, plan their futures and develop their employability skills. Also a confidential, impartial consultation service for any member of staff
- **Enrichment Team:** mainly for students aged 16-19 years. Based

in Wandsworth and Merton Centres providing support to students in a variety of different ways including input for tutorial sessions, outreach and youth worker support.

7. Confidentiality and Disclosure

7.1 When must staff, or can staff pass information on?

It is essential to respect a learner's right to privacy. However, staff cannot under any circumstances agree to keep a learner's information confidential. This is because an issue could arise with a learner that would require members of staff to disclose this to internal and external bodies. Staff will be legally obliged to break any promises made and will have no choice about what information must be disclosed. This breach of promise is more damaging to the learner than if it had been clear with them from the start.

What staff may do is agree to keep things private from other learners and colleagues, while stating it may be passed onto their line manager. Although staff will rarely need to pass information on, they must refuse to keep a secret. If the issue is a child protection or protection of a vulnerable adult issue it must only be reported to one of the safeguarding team and not to the line manager.

7.2 Disclosure of non-dangerous "personal" problems

When a learner discloses they are having problems (for example they are pregnant) and asks a member of staff to keep it confidential, staff must clarify that they cannot agree to this and will need to inform their line manager. However, if the learner is not in any danger, or does not disclose that anyone else is in danger, the staff member will probably not need to refer them elsewhere. Staff can seek confidential advice from the College counsellor about whether or not they need to refer the learner elsewhere or to determine if the learner is "at risk". Staff may decide it is appropriate only to help up to a certain point. If that is the case, staff may recommend the learner see the counsellor or other College support services, which are there to assist with pastoral care.

7.3 Disclosure of any Disability or problems with learning

Staff should follow the guidance in the Disability Disclosure and Confidentiality Policy and Procedures. In most cases this will lead to a referral to the Learner Support Services.

7.4 Disclosure that a student (or third party) is in danger (abuse, neglect or exploitation)

In this situation staff must disclose all information without a learner's consent, as they or someone else are at risk. Staff must refer to the Safeguarding Children and Vulnerable Adults Policy and Procedures for specific guidance each time this issue arises. This applies when a learner is in danger of significant harm or they have made a disclosure about someone else who is in danger of significant harm (e.g. a younger sibling). Staff must explain to the learner immediately that they cannot keep the conversation confidential and will need to report it. Usually learners disclose abuse because they want help in dealing with

a very traumatic situation but are not sure how to go about it. Staff must report these issues to the safeguarding team and must not pass the learner onto another person or recommend that they speak to another person.

Safeguarding issues must remain confidential within the smallest group of staff as they can have consequences in terms of legal action.. For advice the staff must refer to the safeguarding team only. It is also very important to explain to the learner what will happen next and which members of the safeguarding team will be informed of their situation. Staff can speak to the counsellor separately for support on this matter, particularly if the staff member has been upset by the learner's disclosure

7.5 Are there any situations when staff can keep learner information totally confidential?

The only members of staff at South Thames College who are legally and contractually permitted to keep any learner information confidential are the counselling team. This is because the counsellors are bound by the external ethical guidance of the BACP or other professional accrediting organisations.

8. Conclusion

The issue of social boundaries is a complex and sensitive area that applies to all people in everyday life. People continually assess how they affect others and how others affect them and use this information to guide behaviour. However, while at work staff have an obligation to evaluate how their professional boundaries might affect learners. It can be easy to lose perspective when working closely with people and it is often beneficial to step back and evaluate practice.

9. Responsibility for implementation

- The Deputy Principal will take lead responsibility for the implementation of this guidance in relation to staff and learners.
- All members of staff have a responsibility for the implementation of this guidance by following the College guidance described above.

10. Breach of the Policy

The College will take seriously any instances of non-adherence to the College guidance by its staff or management. Any instance or breach of this guidance will be investigated and, where appropriate, action will be considered under the College's disciplinary procedures for staff.

11. Access to the guidance

The guidance will be published on Blackboard. It will also be made available to learners / parents / carers on request.

Produced by:	Janet Smith Deputy Principal
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