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**Code of Conduct: Relationships Between Staff and Students**

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| **Linked external codes/regulations** | |
| Sexual Offences Act 2003 | |
| **Linked documents/references** | |
| Student Charter  Student Harassment Policy  Safeguarding Policy  Public Interest Disclosure Policy  Grievance Policy and Procedure (including Bullying and Harassment)  Disciplinary Policy and Procedure  Leeds Conservatoire Single Equality Scheme  AEC Code of Good Practice on Teacher Student Relationships In Conservatoires | |
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| Employees and Students | |
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| Available on request | |
| **Policy statement** | |
| Leeds Conservatoire aims to provide an environment which will enable all students to fulfil their potential through facilitated peer to peer learning. For this environment to exist while protecting both staff and students within it, it is important that all staff and students conduct themselves in a way which does not call into question the professional relationship which exists between them. | |

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**CODE OF CONDUCT:**

**RELATIONSHIPS BETWEEN STAFF AND STUDENTS**

1. **Definitions**

For the purposes of this document:

*“conservatoire”,* means Leeds Conservatoire;

*“business relationship”*, means a contractual, financial or commercial relationship which could include but is not limited to various types of musical performance or collaboration unconnected to the conservatoire, such as performing at gigs or contributing to recordings;

*“family relationship”*, means a parental/ brother/ sister/ uncle/ aunt/ niece/ nephew/ grandparent relationship;

*“intimate relationship”*, means any sexual or romantic relationship;

*“personal relationship”* means an intimate, family or a business relationship;

*“professional relationship”* means the relationship which exists between a staff member and a student as a result of their employment and studies respectively at the conservatoire;

*“staff”* means all individuals currently working (and those who have applied to work) at the conservatoire at all levels and grades, including senior managers, officers, employees, consultants, visiting artists or professors, contractors, trainees, homeworkers, part-time and fixed-term employees, casual employees and agency staff;

*“students”* means all conservatoire studentsand student applicants irrespective of their age or course of study as well as students employed by the conservatoire on a casual basis.

### **Policy Statement**

* 1. Leeds Conservatoire aims to provide an environment which will enable all students to fulfil their potential, through facilitated peer to peer learning. In order to achieve this, the conservatoire is committed to the creation and maintenance of a supportive and constructive environment based on appropriate professional relationships between all staff and students.
  2. A key aspect of the conservatoire’s learning environment is the provision of individual tuition to students from a highly skilled musical practitioner. This tuition, provided on a one-to-one basis, can facilitate large improvements in a student’s capability in their chosen instrumental choice, and forms the cornerstone of conservatoire music provision.
  3. It is important to note, however, that the very nature of this type of provision can lead to issues for both the staff member and the student, ranging from personal or professional clashes, through to, in extreme cases, allegations of bullying, harassment, intimidation or sexual abuse. This can be more likely to occur when the boundaries of professional and personal life become blurred.
  4. It is also important to note that the issues highlighted above, while having more potential to develop through one-to-one tuition lessons, can apply to all staff and all students in the conservatoire.
  5. The conservatoire has a duty to ensure the protection of all students and staff. The positive implementation of the procedure outlined below aims to ensure that appropriate procedures are applied in the event of personal relationships occurring between staff and students of the conservatoire, and to avoid possible harassment, grievance, disciplinary action or litigation.

#### Conduct in One-to-One Lessons

* 1. The nature of one-to-one lessons can lead to them feeling more personal than other types of lesson, for both the staff member and the student. In addition, there is an increased potential for the innocent actions of a member of staff to be misconstrued by a student to be inappropriate, and vice versa.
  2. As no other staff or students will be present, an allegation of inappropriate behaviour against a member of staff is more difficult to prove or disprove, and a student may more easily make a vexatious claim against a staff member.
  3. A student could also be at greater risk from a member of staff who intends to act inappropriately towards them.
  4. Necessary physical contact for demonstration purposes should take place with a group of students wherever possible. If this is not reasonably practicable, the member of staff should explain to the student beforehand, why, how and where on the body they intend to make contact and the reason for doing so. The student’s consent should be requested beforehand.
  5. Careful consideration should be given to what is said to students in one-to-one lessons, for example, when giving feedback, which will feel more personal and targeted to the recipient.
  6. Great care should also be taken by members of staff to ensure appropriate boundaries in relation to student counselling are not crossed. Given the personal nature of the teaching relationships, one to one tutors may be seen as confidantes by their students, and it is essential that staff do not attempt to counsel students who may share personal or psychological issues with them. Any student who shares information of this kind must be referred to the student counselling service immediately. Staff are also required to ensure they are familiar with the conservatoire’s Safeguarding Policies and Procedures.
  7. All teaching should be completed on Leeds Conservatoire premises. In some circumstances teaching can be completed offsite with the written permission of the Executive Management Group.
  8. Leeds Conservatoire does not tolerate any form of bullying or intimidation of any kind. All members of staff and students should be reassured that any incident reported in good faith will be dealt with in line with conservatoire procedures (as identified under “Linked Documents / References” on the cover page to this document), and any member of staff or student making a complaint of any kind will receive appropriate support and assistance through the process and will be protected from any negative repercussions wherever it is possible to do so.
  9. Any student wishing to report an issue of this kind should raise this with the Head of Student Wellbeing Services, in the first instance. If the complaint involves the Head of Student Wellbeing Services, the matter should be raised with the Director of Quality and Student Experience in the first instance.
  10. Any member of staff wishing to report an issue of this kind should raise this with Human Resources in the first instance. If the complaint involves a member of the Human Resources Team, the matter should be raised with the Director of Quality and Student Experience in the first instance.
  11. Any member of staff or student considered to have made a malicious allegation following investigation will be dealt with under the relevant disciplinary procedure. For members of staff, this is considered to be gross misconduct.

### **Relationships Between Staff and Students**

* 1. **General Points**
     1. It is acknowledged that as a result of the facilitation of peer to peer learning between staff and students, personal relationships will develop between staff and students. This may lead to collaboration on projects unrelated to Leeds Conservatoire, and it is considered healthy as part of a student’s development into a working musician that this can occur.
     2. However, whilst the conservatoire does not seek to regulate the personal lives of any of its members, staff and students are required to respect and maintain the boundaries of personal and professional life. The conservatoire has a legitimate interest in any personal relationships between staff and students, and will seek to ensure that they do not affect proper teaching, its good running or reputation.
     3. Staff have a professional duty to develop their students’ abilities and all staff, together with the conservatoire, have a responsibility to safeguard students welfare. All staff and students should ensure that any personal relationship between them does not affect any aspect of the professional relationship through their work and study at the conservatoire.
     4. It is particularly important when one of the parties involved in the relationship has a position of power or authority over the other party through their role with the conservatoire, for example, as a tutor, manager or administrator, or any other position which could affect the other parties’ grade, qualification, future employment, or any other aspect of their time with the conservatoire.
  2. Any relationship between staff and students has the potential to raise important professional issues, but in particular this can occur where the member of staff has some level of influence over a student’s academic performance or assessment, employment or in some other capacity as a result of their position with the conservatoire. In cases such as this, serious questions of conflict of interest, of trust, confidence and dependency in working relations and of equal treatment in areas including teaching, learning, selection, assessment and research, and the giving or withholding of information, support and advice, can arise. For the protection of students and staff, the boundaries and moral obligations of the professional role of staff must be fully recognised and respected. It is the responsibility of all staff to ensure that this happens.
  3. These guidelines apply to ALL members of staff and ALL students, and also include relationships involving applicants for admission as students or applicants for employment as members of staff, with existing staff or students, and any relationship involving a Visiting Artist or Professor, casual workers or other person engaged through a contract for services, not directly employed by the conservatoire.
  4. There are two kinds of personal relationship between staff and students:
     1. **Business or family relationships**. This could include various types of musical work or collaboration unconnected to the conservatoire, such as performing at concerts or contributing to recordings;
     2. **Intimate relationships,** (meaning any sexual or romantic relationship).
  5. This procedure covers all areas where such relationships raise questions about possible conflicts of interest, trust and/or confidentiality, including:
* all aspects of teaching and learning, including examinations and assessment;
* access to confidential information;
* access to services and facilities including financial assistance, accommodation and other services;
* contractual and employment matters, including appointment, promotion, career development, complaints and discipline;

* assignment of work and facilities to staff, students or contractors;
* the management and supervision of staff;
* deployment of financial and other resources;
* the admission and supervision of students whilst at the conservatoire;
* any other aspect affecting the health, safety, and / or wellbeing of the staff member or student, including any requirement for risk assessment.
  1. **Business or Family Relationships**
     1. In the event of the development of any relationship of this kind with a student, the member of staff concerned is required immediately to declare it to Human Resources (or their Head of Department if they are a student employed as a casual worker). If the relationship involves a member of the Human Resources Team the matter should be declared to the Director of Quality and Student Experience.
     2. In the event of a relationship arising between a student and a member of staff, the student must declare this to the Head of Student Wellbeing Services. If the relationship involves the Head of Student Wellbeing Services, the matter should be declared to the Director of Quality and Student Experience.
     3. The recipient of the information should consider who should be informed and what steps should be taken to remove any impact in the areas outlined at Paragraph 4.3. This may vary from one case to the next, but the most important and overriding aim is to ensure the impact on the student and his or her studies is minimised. It is expected that in the majority of cases of this kind, there would be little or no formal action that would need to be taken.
     4. Students or staff who are involved in any relationship of this kind and who do not consider their involvement to be truly consensual, or who have any other similar concerns, are encouraged to seek advice from Human Resources (staff), or Head of Student Wellbeing Services (students). If the relationship involves a member of Human Resources or the Head of Student Wellbeing Services the matter should be raised with the Director of Quality and Student Experience. They have the right of complaint under the conservatoire’s Grievance Policy and Procedure or the Student Harassment Policy.
  2. **Intimate Relationships** 
     1. Under the Sexual Offences Act 2003, sexual activity, whether consensual or otherwise, between a person aged 18 or over and a person under that age, is an offence where the older person is in a position of trust. The Sexual Offences Act 2003 is an Act “to make provision with respect to the circumstances in which, certain sexual acts are lawful; to make it an offence for a person aged 18 or over to engage in sexual activity with or directed towards a person under that age if he\* is in a position of trust in relation to that person; and for connected purposes." (Sexual Offences Act 2003, Chapter 42).

**\*** Under the Sexual Offences Act 2003,please note that “*he*” is used as a generic term, and can also refer to “*she*” or *“they”*, and therefore this statement relates to all genders.

* + 1. Leeds Conservatoire has a number of students under the age of 18 attending Leeds Junior Conservatoire.
    2. Leeds Conservatoire strictly prohibits intimate relationships between staff and students under the age of 18.
    3. Any intimate relationship between a member of staff and a student, even where both parties are over the age of 18, has the potential to cause serious issues for the employee with regard to their employment, and the student in relation to their studies.
    4. Leeds Conservatoire strongly discourages any intimate relationships from developing between any member of staff and students, and expects all staff to be responsible and professional in their dealings with all students of the conservatoire at all times. Any member of staff who develops an intimate relationship with a student MUST declare this to Human Resources (or their Head of Department if they are a student employed as a casual worker) immediately. If the relationship involves a member of Human Resources (or their Head of Department if they are a student employed as a casual worker) the matter should be declared to the Director of Quality and Student Experience. Failure to declare a relationship of this kind may lead to disciplinary action being taken, up to and including dismissal.
    5. Any student who develops an intimate relationship with a member of staff MUST declare this to the Head of Student Wellbeing Services immediately. If the relationship involves the Head of Student Wellbeing Services the matter should be declared to the Director of Quality and Student Experience.
    6. The recipient of the declaration should consider who should be informed and what steps should be taken to remove any impact in the areas outlined at Paragraph 4.3. This will vary from one case to the next, but the most important and overriding aim is to ensure any potential impact on the student and his or her studies is minimised.
    7. Actions that could be taken following **a declaration** could be wide ranging depending on the specific circumstances. Examples could include:
* A member of academic staff declares an intimate relationship with a student over the age of 18 that they are teaching. The member of staff could then have no further involvement in any aspect of the student’s teaching, marking or assessment. This would therefore have an impact on available work for the member of staff concerned. Further consideration would be given to ensuring any management responsibility the academic member of staff may have was not compromised, or seen to be compromised, as a result of the relationship.
* A member of academic or support staff declares an intimate relationship with a student that they are not directly teaching, but may be involved with them during their time at the conservatoire through some aspect of their assessment or administration, for example, second marking, provision of a welfare service, recording of assessment outcomes, involvement in student fee collection or offers of work on a casual employment basis. Steps would be taken to ensure the appropriate tasks were delivered by another member of staff, or checks put in place to provide a robust defence against any allegations of favouritism.
* A member of support staff with little or no involvement in the day to day teaching or administration of any students declares an intimate relationship with a student. It may be that in this case, little or no action is required on the part of the conservatoire other than to maintain awareness should any situation arise during the course of the student’s time with the conservatoire that may cause any conflict of interest.

1. Consequences of non-compliance
   1. Staff should be aware that a breach of this Policy could lead to action under the conservatoire’s Disciplinary Policy and Procedure, including sanctions up to summary dismissal for gross misconduct. A breach of this Policy may include, but is not limited to:
      1. the development or existence of a personal relationship which is prohibited by law and/ or this Policy;
      2. a failure to declare a personal relationship in accordance with this Policy;
      3. a failure to comply with any arrangements or requirements put in place following the declaration of a personal relationship.
   2. If any member of staff or student has any concerns or doubts regarding any aspect of this policy please speak to either Human Resources (staff) or the Head of Student Wellbeing Services (students) in the first instance.