



KING EDWARD VI  
SHELDON HEATH ACADEMY

## **STAFF SAFEGUARDING CHILDREN POLICY (Also incorporates the Whistle Blowing Policy)**

Named Governor: Mrs J.Green  
Named DSL: Ms L.Cabena  
Named Deputy DSL: Mr S. Miller  
DSL trained: Ms O.Hicks (Sixth Form)  
Family Liaison Officer: Ms D.Hopkins

Other Level 3 CP trained staff:  
Mr J. Allen  
Miss K. Tzoganakou  
Mr M. Billyeald  
Mr S. Khan  
Mr J. Morris  
All pastoral managers

### Guidance and Legislation:

Sections 157 and 175 of the Education Act 2002  
The Children Act 1989, revised in 2004 (Sections 11 and 14 of the Children Act 2004)  
Safeguarding Children and Safer Recruitment in Education  
Working Together to Safeguard Children (DfE 2015)  
The Procedures of Birmingham Safeguarding Board  
The Education Act 2002 S175/S157  
Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE September 2016)  
Mental Health and Behaviour in schools (DfE 2016)

### See also:

Staff Safeguarding Children Policy  
Safeguarding Children and Young People Vulnerable to Violent Extremism Policy  
Safer Recruitment Policy  
E-Safety Policy  
Staff Conduct  
Child Protection and Safeguarding – Sharing Information Guidance

**Friendship**  
Integrity Benevolence  
Honesty **Equality**  
Respect Community  
Tolerance Aspiration  
**Our values**  
Humility Personal responsibility  
Justice Dignity Ambition  
Co-operation **Humanity**  
Excellence Embracing diversity  
**Belief** Empathy Kindness  
Understanding **Charity**  
**Compassion**

**This policy was adopted by the Student Welfare Committee in September 2016.  
Next review due Autumn Term 2017, or earlier if the need arises.**

# STAFF SAFEGUARDING CHILDREN POLICY

## Codicil Insert RECENT CHANGES TO THIS POLICY

This policy was reviewed and ratified by the Governing Body on September 2016

The following persons are authorised to approve minor changes between reviews:

Chair of Governors Mr P Christopher

Safeguarding Lead Governor Mrs J Green

Since ratification by the Governing Body the following changes have been made –

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Date of Change: March 2017		
Page 8	Section 8 – addition to second paragraph	Safeguarding concerns relating to the proprietor of the setting must be made directly to the LADO team who will then decide on any action required.
Page 10	Section 11 – sentence added at the end of the paragraph	Key staff will undertake more specialist training as agreed by the Governing Body.

Please now read the policy with this amended wording in place

*Judith A Green*  
3.5.17

Please now read the policy with this amended wording in place

## **Rationale**

King Edward VI Sheldon Heath Academy is committed to safeguarding and promoting the welfare of all its students. The Academy's Safeguarding Policy applies to all adults, including volunteers, working in or on behalf of the Academy and is an overarching document which demonstrates how everyone working in or for our Academy service has a responsibility to help keep children safe from harm and abuse. ALL those involved in activity carried out under the jurisdiction of King Edward VI Sheldon Heath Academy are covered by this policy.

## **1. Definition**

Safeguarding and promoting the welfare of children is defined as protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes. Children includes everyone under the age of 18.

Where a child is suffering significant harm, or is likely to do so, action should be taken to protect that child. Action should also be taken to promote the welfare of a child in need of additional support, even if they are not suffering harm or are at immediate risk.

Everyone who comes into contact with children and families has a role to play. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

## **2. Ethos**

Safeguarding at the Academy is considered everyone's responsibility and as such the Academy aims to create the safest environment within which every student has the opportunity to achieve academic excellence.

The Academy believes that:

- All children/young people have the right to be protected from harm;
- Children/young people need to be safe and to feel safe in school;
- Children/young people need support that matches their individual needs, including those who may have experienced abuse;
- All children/young people have the right to speak freely and voice their values and beliefs;
- All children/young people must be encouraged to respect each other's values and support each other;
- All children/young people have the right to be supported to meet their emotional, and social needs as well as their educational needs – a happy, healthy, sociable child/young person will achieve better educationally;
- Schools can and do contribute to the prevention of abuse, victimisation, bullying, exploitation, extreme behaviours, discriminatory views and risk taking behaviours; and
- All staff and visitors have an important role to play in safeguarding children and protecting them from abuse.

Everyone who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, the Academy has a child-centred approach; at all times consideration is given to what is in the best interests of the child.

The Academy recognises the contribution it can make in ensuring that all students feel that they will be listened to and appropriate action taken. The Academy will do this by endeavouring to work in partnership with other agencies and seek to establish effective working relationships with parents, carers and other colleagues to develop and provide activities and opportunities throughout our curriculum that will help to equip our students with the skills they need; this will include materials and learning experiences that will encourage our children to develop essential life skills and protective behaviours.

The Academy recognises that some children may be especially vulnerable to abuse and that children who are abused or neglected may find it difficult to develop a sense of worth and to view the world in a positive way. Whilst at the Academy their behaviour may be challenging; the Academy recognises that some children who have experienced abuse may harm others. The Academy will always take a considered and sensitive approach in order that we can support all our students; each student's welfare is of paramount importance.

### **3. Aims**

The Academy aims to:

- Clarify standards of behaviour for staff and pupils/students;
- Contribute to the establishment of a safe, resilient and robust ethos in the Academy, built on mutual respect, and shared values;
- Address concerns at the earliest possible stage; and
- Reduce the potential risks pupils/students face of being exposed to violence, extremism, exploitation or victimisation
- Ensure that children at the Academy are and feel safe at all times.
- Encourage individuals to feel confident in raising concerns about the safety and welfare of students at the Academy.
- Ensure that all stakeholders are safe and feel that they are able to put the welfare of the children first without concern that there will be any negative consequences attached to their actions.
- Provide a method of raising concerns and to receive feedback on any action taken.
- Ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- Reassure individuals that they will be protected from reprisals or victimisation for whistle blowing in good faith.
- Ensure that all adults who have contact with children at the Academy have been properly vetted and cleared as suitable to work and support children in our care/charge.
- Ensure that all adults who have contact with children at the Academy have been trained to undertake their safeguarding responsibilities effectively.
- Ensure that staff, students, governors, visitors, volunteers and parents are aware of the expected behaviours' and the Academy's legal responsibilities in relation to the safeguarding and promoting the welfare of all of our students.

### **4. Key Principles**

The key principles of safeguarding according to the Birmingham Safeguarding Children Board are:

- Always put the child first.
- Never do nothing.
- Do with, not to, others.

- Do the simple things better.
- Have conversations, build relationships.
- Outcomes not outputs.

The following important principles are contained within this policy:

- The code is complementary to the Academy's Child Protection Policy and other related policies;
- The Principal has overall responsibility for the operation of this policy and will maintain a record of concerns and the outcomes and will report as necessary to the Academy Governors and the King Edward VI Foundation;
- If a matter raised results in any disciplinary action, the Academy's disciplinary procedures will apply.

## **5. General Principles**

Members of staff are often the first to realise that a child's safety and welfare are under threat. However, they may not express their concerns because they feel that speaking up would be too difficult to handle. It may also be that they fear harassment or victimisation. In these circumstances it may be easier for them to ignore the concern rather than report what may just be a suspicion of poor practice.

The Academy is committed to promoting the well-being of all students in its care. In line with that commitment, individuals are encouraged, if they have concerns about any aspect of a student's safety and welfare, to come forward and voice those concerns. This policy makes it clear that all members of staff can raise a matter of concern without fear of victimisation, subsequent discrimination or disadvantage; it intendeds to encourage and enable individuals to raise concerns within the Academy rather than overlooking a problem. It is in the interest of all concerned that disclosure of potential abuse or irregularities are dealt with properly, quickly and discreetly.

## **6. Expectations**

All staff and visitors will:

- Be familiar with this safeguarding policy;
- Be subject to Safer Recruitment processes and checks, whether they are new staff, supply staff, contractors, volunteers etc.;
- Be involved, where appropriate, in the implementation of individual education programmes, integrated support plans, child in need plans and interagency child protection plans;
- Be alert to signs and indicators of possible abuse (See Child Protection Policy);
- Record concerns and give the record to the Designated Safeguarding Lead; and
- Deal with a disclosure of abuse from a child in line with guidance.

All staff will receive safeguarding training at intervals of no more than three years; although we will endeavour to ensure that training takes place annually. Key staff will undertake more specialist child protection training as agreed by the Governing Body.

## **7. Roles and Responsibilities**

### **Academy Governors**

Governing bodies and proprietors must ensure that they comply with their duties under legislation. They must have regard to Keeping Children Safe in Education (September 2016) to ensure that the policies, procedures and training in the Academy are effective and comply with the law at all times.

The Governing body has a legal responsibility to ensure that the Academy has an effective safeguarding policy and procedures in place and monitors that the Academy complies with them. The Governing body must also ensure that:

- The Academy operates “safer recruitment” procedures and ensures appropriate checks are carried out on all new staff and relevant volunteers.
- There is at least one member of the senior leadership team acting as a DSL for child protection.
- The DSL attends regular and appropriate training that supports their role.
- The Principal and all other staff who work with children undertake training at the minimum of three yearly intervals.
- Temporary staff and volunteers are made aware of the Academy’s arrangements for child protection and their responsibilities.
- The Academy contributes to inter-agency working in line with statutory guidance.
- The Academy has procedures for handling allegations of abuse made against members of staff (including the Principal) or volunteers.
- There are appropriate safeguarding responses to children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect including sexual abuse or exploitation and to help prevent the risks of their going missing in future.
- Students are taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum.
- This policy is made available to parents and carers if requested.
- Any deficiencies or weakness brought to its attention are remedied without delay.

### **Principal**

The Principal should ensure that the policies and procedures, adopted by governing bodies, particularly concerning referrals of cases of suspected abuse and neglect, are followed by all staff.

### **Designated Lead Person (DSL) for child protection**

The designated safeguarding lead has lead responsibility for safeguarding and child protection. Whilst the activities of the DSL can be delegated to appropriately trained deputies, the ultimate **lead responsibility** for safeguarding and child protection remains with the designated safeguarding lead. This responsibility cannot be delegated.

It is the responsibility of the DSL to ensure that all safeguarding issues raised in Academy are effectively responded to, recorded and referred to the appropriate agency. They are also responsible for arranging whole Academy safeguarding training for all staff and volunteers who work with children and young people in our Academy. The DSL has a role in ensuring that the whole Academy safeguarding training takes place annually.

The DSL is required to attend or ensure that a senior member of staff who has the relevant training and access to appropriate supervision, attends where appropriate, all conferences, core groups or meetings where it concerns a child at our Academy and to contribute to multi-agency discussions to safeguard and promote the child’s welfare.

The DSL is required to complete an annual Self-Review Assessment which demonstrates that the Safeguarding arrangements in the Academy are being met. If the self-assessment highlights any areas for improvement, this will be detailed in the action plan which will be signed off and monitored by the Named Governor for Safeguarding to ensure these improvements are implemented. The self-review assessment is to be shared with the Local Authority, who will have an auditing role in ensuring the Academy is meeting its Safeguarding requirements under sec 175/157 of the Education Act 2002 for both maintained and independent Academies.

The DSL is required to lead regular case monitoring reviews of vulnerable children. These reviews must be evidenced by minutes and recorded in case files.

All Child Protection concerns need to be acted on immediately. The DSL must be informed at once of any concerns that a student may be at risk or is actually suffering abuse.

The role of the DSL is outlined on appendix 4.

### **All staff**

The 2016 Teacher Standards state that teachers, including head teachers, should safeguard children's well-being and maintain public trust in the teaching profession as part of their professional duties. All Academy staff have a responsibility to:

- Safeguard children and provide a safe environment in which children can learn.
- Trained and by aware of the signs of potential abuse and neglect.
- Identify early children who maybe in need of extra help or who are suffering or are likely to suffer significant harm. In the first instance staff should discuss early help requirements with the DSL.
- Be open to hearing concerns from students, without seeking to investigate these concerns.
- Take appropriate action, working with other services as needed.
- Maintain an attitude of "it could happen here".
- Always act in the best interest of the child.

A child going missing from an education setting is a potential indicator of abuse or neglect. Academy staff members should follow the procedures for dealing with children who go missing, particularly on repeated occasions. They should act to identify any risk of abuse and neglect, including sexual abuse or exploitation.

Any staff member who has a concern about a child's welfare should follow the referral processes set out in this policy. Staff may be required to support social workers and other agencies following any referral or support other agencies and professionals in an early help assessment.

### **All adults**

All adults, including the DSL, have a duty to refer all known or suspected cases of abuse to the relevant agency including social services or the police. Where a disclosure is made to a visiting staff member from a different agency, e.g. Academy Nurse, it is the responsibility of that agency staff to formally report the referral to the Academy's DSL in the first instance. Where the disclosure is made by a student attending a Pupil Referral Unit (PRU) or alternative provision, the referral should be recorded and referred to the On-Site DSL and a formal notification made to the Academy's DSL where the student is on role for information or appropriate action to be taken. Any records made should be kept securely on the student's main Academy/child Protection file.

## **8. How to raise a concern**

The Academy is committed to good practice and high standards and wants to be supportive of everyone within its community. The Academy recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged poor practice. If an individual believes what they are saying to be true, they should have nothing to fear because in reporting their concern they will be doing their duty to the student. The Academy will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect individuals when they raise a concern in good faith.

This practice should only be followed if the person raising the concern feels unable to follow the standard reporting procedures as set out in the Academy's Child Protection Policy & Procedures. Individuals should raise the concern in the first instance with the Principal or, in their absence or unavailability, the Academy's Vice Principal. A concern regarding the Principal should be raised in the first instance with the Chair of Governors. Concerns may be made verbally or in writing. The individual should set out the background and history of the concern, giving names, dates and places where possible and the reason why they are particularly concerned about the situation. The earlier the individual expresses their concern, the easier it is for action to be taken.

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. The individual is not expected to prove the truth of an allegation. However, they will need to demonstrate that there are sufficient grounds for their concern.

## **Allegations**

### **a) Anonymous Allegations**

This policy encourages the person making the allegation to put their name to it. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Principal or investigating officer. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources or factual records.

### **b) Untrue Allegations**

If an individual makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, it is established that they have made malicious or frivolous allegations, or for personal gain, disciplinary action may be taken against them. In such cases, the Academy's disciplinary procedure will apply.

### **c) Allegations made against staff**

There are procedures in place to handle allegations against teachers, the Principal, volunteers and other staff. Such allegations should be referred to the designated officer(s) at the local authority by the appropriate person. For procedures, including procedures to make a referral to the Disclosure and Barring Service if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned, refer to appendix 3.

### **d) Allegations against other children**

Staff should recognise that children are capable of abusing their peers. Although there are different forms peer on peer abuse, abuse is abuse and should never be tolerated or passed off as "banter" or "part of growing up". Staff should recognise that there are gender issues that can be prevalent when dealing with peer on peer abuse; for example, girls being sexually touched/assaulted or boys being subject to initiation/hazing type violence.

Peer to peer abuse should be reported in the same manner as all safeguarding issues. The Academy's behaviour policy outlines how this type of abuse will be addressed by the Academy.

## **Confidentiality**

The Academy will do its best to protect the identity of the person raising the concern if they do not wish for their name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the

person making the allegation may be required as part of the evidence. They will be given prior notice of this and a chance to discuss their concerns. It is also recognised that the member of staff raising the concern may need support in this process; the Academy will ensure full support is given.

### **Further advice**

The NSPCC Whistleblowing Advice Line is for anyone with child protection concerns in the workplace. The helpline provides support and advice to those who feel unable to get a child protection issue addressed by their employer. It can be contacted anonymously on 0800 028 0285.

### **The child's/young adult's wishes**

Where there is a safeguarding concern, the child's wishes and feelings are taken into account when determining what action to take and what services to provide. Systems are in place for children to express their views and give feedback. Ultimately any systems and processes operate with the best interests of the child at their heart.

## **9. Response to allegations**

The Academy is aware of the possibility of allegations being made against members of staff or volunteers that are working or may come into contact with children and young people whilst at the Academy. If an allegation is made against an adult in a position of trust whether they be members of staff or volunteers this should be brought to the immediate attention of the Principal, unless the allegation is being made against the Principal which will then need to be brought to the immediate attention of the Chair of Governors.

The action taken by the Academy will depend on the nature of the concern. The Academy accepts that the person making the allegation needs to be assured that the matter has been properly addressed. Subject to legal and confidentiality constraints, they will receive information about the outcomes of any investigations, and the action that is to be taken against those whose actions caused them concern. They will also be advised if appropriate, what policy changes are to be made to minimise the possibility of a similar concern being raised in the future.

The Academy will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if the whistle blower is required to give evidence in criminal or disciplinary proceedings, the Academy will advise them about the procedure. The Academy will ensure that the member of staff raising the concern is supported throughout the process and that counselling is offered as and when required.

The Principal/Chair of Governors will need to discuss with the Local Authority Designated Officer (LADO) the nature of the allegations in order for the appropriate action to be taken. This may constitute an initial evaluation meeting or strategy discussion depending on the allegation being made. The Principal will need to:

- Refer to the LADO immediately and follow up in writing within 48 hours. Consider safeguarding arrangements of the child or young person to ensure they are away from the alleged abuser.
- Contact the parents or carers of the child/young person if advised to do so by the LADO.
- Consider the rights of the staff member for a fair and equal process of investigation.
- Ensure that the appropriate disciplinary procedures are followed including whether suspending a member of staff from work until the outcome of any investigation is deemed necessary.
- Act on any decision made in any strategy meeting.

- Advise the Independent Safeguarding Authority where a member of staff has been disciplined or dismissed as a result of the allegations being founded.

Appendix 3 contains the full guidance (Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges) on dealing with allegations for staff.

#### **10. How the matter can be taken further**

This policy is intended to provide individuals with a way in which they can raise concerns about the safety and welfare of any child at the Academy. The Academy hopes individuals will be satisfied that any child protection matters they raise has been considered properly. If they are not satisfied, they should contact one of the following as appropriate:

- Chair of Governors: Mr Peter Christopher
- Birmingham MASH: 0121 303 1888
- The police: 03451135000

If individuals decide to take the matter outside of the Academy, they will need to ensure that they do not disclose prohibited confidential information. If confidentiality is broken, then the Academy reserves the right to carry out disciplinary procedures.

#### **11. Training**

All staff members receive appropriate safeguarding and child protection training which is regularly updated. In addition, all staff members receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

#### **12. Useful Contacts:**

Child Exploitation and Online Protection Agency [www.ceop.org.uk](http://www.ceop.org.uk)  
[www.thinkuknow.co.uk](http://www.thinkuknow.co.uk)

## Appendix 1

### PROVIDING A SAFE AND SUPPORTIVE ENVIRONMENT

#### 1. Safer Recruitment and Selection

The Academy pays full regard to current Working Together to Safeguard Children (DfE 2015) guidance to ensure that all appropriate measures are applied in relation to everyone who works or has applied to work at the Academy and thus is likely to be perceived by the children as a safe and trustworthy adult, including volunteers and staff employed by contractors.

Safer recruitment practice includes scrutinising applicants, verifying identity and academic or vocational qualifications, obtaining professional references, checking previous employment history and ensuring that a candidate has the health and physical capability for the job. It also includes undertaking interviews and where appropriate, undertaking enhanced DBS and barred list checks. At least one Senior Leader who has undertaken appropriate training in Safer Recruitment is involved in all staff / volunteer recruitment processes and sits on the recruitment panel.

For further details please refer to the Academy's safer recruitment policy.

#### 2. Safer Working Practice

Safe working practice ensures that pupils are safe and that all staff, volunteers and governors:

- are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions;
- work in an open and transparent way;
- work with other colleagues where possible in situations open to question;
- discuss and/or take advice from school management over any incident which may give rise to concern;
- record any incident or decisions made;
- apply the same professional standards regardless of gender, race, disability of sexuality;
- be aware of confidentiality policy;
- are aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them;

#### 3. Safeguarding Information for Students

All students in our Academy are aware of a number of staff who they can talk to. The Academy is committed to ensuring that students are aware of behaviour towards them that is not acceptable and how they can keep themselves safe. All students know that there is a senior member of staff with responsibility for child protection and know who this is. Students are aware of whom they might talk to, both in and out of Academy, their right to be listened to and heard and what steps can be taken to protect them from harm.

#### 4. Safeguarding students who are vulnerable to extremism

Since 2010, when the Government published the Prevent Strategy, there has been an awareness of the specific need to safeguard children, young people and families from violent extremism. There have been several occasions both locally and nationally in which extremist groups have attempted to radicalise vulnerable children and young people to hold extreme views including views justifying political, religious, sexist or racist violence, or to steer them into a rigid and narrow ideology that is intolerant of diversity and leaves them vulnerable to future radicalisation.

The Academy values freedom of speech and the expression of beliefs / ideology as fundamental rights underpinning our society's values. Both pupils/students and teachers have the right to speak freely and voice their opinions. However, freedom comes with responsibility and free speech that is designed to manipulate the vulnerable or that leads to violence and harm of others goes against the moral principles in which freedom of speech is valued. Free speech is not an unqualified privilege; it is subject to laws and policies governing equality, human rights, community safety and community cohesion.

The current threat from terrorism in the United Kingdom may include the exploitation of vulnerable people, to involve them in terrorism or in activity in support of terrorism. The normalisation of extreme views may also make children and young people vulnerable to future manipulation and exploitation. The Academy is clear that this exploitation and radicalisation should be viewed as a safeguarding concern.

The Academy seeks to protect children and young people against the messages of all violent extremism including, but not restricted to, those linked to Islamist ideology, or to Far Right / Neo Nazi / White Supremacist ideology, Irish Nationalist and Loyalist paramilitary groups, and extremist Animal Rights movements.

There is a separate policy for this aspect of safeguarding.

### **Risk reduction**

The Academy governors, the Principal and the Designated Safeguarding Lead will assess the level of risk within the Academy and put actions in place to reduce that risk. Risk assessment may include consideration of the Academy's RE curriculum, SEND policy, assembly policy, the use of school premises by external agencies, integration of pupils by gender and SEN, anti-bullying policy and other issues specific to the Academy's profile, community and philosophy.

This risk assessment will be reviewed as part of the annual S175 return that is monitored by the local authority and the local safeguarding children board.

### **Response**

With effect from 1<sup>st</sup> July 2015 all schools are subject to a duty to have "due regard to the need to prevent people being drawn into terrorism" (section 26, Counter Terrorism and Security Act 2015). This is known as The Prevent Duty.

The Academy's Prevent Single Point of Contact (SPOC) is Mrs L Cabena who will be the lead within the organisation for safeguarding in relation to protecting individuals from radicalisation and involvement in terrorism.

When any member of staff has concerns that a pupil may be at risk of radicalisation or involvement in terrorism, they should speak with the SPOC and to the Designated Safeguarding Lead if this is not the same person.

Numerous factors can contribute to and influence the range of behaviours that are defined as violent extremism, but most young people do not become involved in extremist action. For this reason, the appropriate interventions in any particular case may not have any specific connection to the threat of radicalisation, for example for example they may address mental health, relationship or drug/alcohol issues.

The Academy has a separate policy on this safeguard.

## **5. Safeguarding pupils/students who are vulnerable to exploitation, forced marriage, female genital mutilation, or trafficking**

The Academy provides the basic platform to ensure children and young people are given the support to respect themselves and others, stand up for themselves and protect each other. The Academy keeps itself up to date on the latest advice and guidance provided to assist in addressing specific vulnerabilities and forms of exploitation.

Academy staff are supported to recognise warning signs and symptoms in relation to specific issues, include such issues in an age appropriate way in their curriculum and works with and engages families and communities to talk about such issues. Staff are supported to talk to families about sensitive concerns in relation to their children and to find ways to address them together wherever possible (see Child Protection Policy).

The Designated Safeguarding Lead knows where to seek and get advice as necessary. The Academy brings in experts and uses specialist material to support the work we do.

With effect from October 2015 all schools are subject to a mandatory reporting requirement in respect of female genital mutilation. When a teacher discovers that an act of FGM appears to have been carried out on a girl aged under 18, that teacher has a statutory duty to report it to the police. Failure to report such cases will result in disciplinary sanctions. When a member of staff at the Academy has reasons to suspect that an act of FGM has been carried out on a pupil / student, s/he will discuss the situation with the Designated Safeguarding Lead, who may consult children's social care before a decision is made as to whether the mandatory reporting duty applies.

## **6. Partnership with Parents**

The Academy shares a purpose with parents to educate, keep children safe from harm and have their welfare promoted; it is committed to working with parents positively, openly and honestly. The Academy ensures that all parents are treated with respect, dignity and courtesy; parents' rights to privacy and confidentiality are also respected and sensitive information will not be shared unless permission is given or it is necessary to do so to protect a child. The Academy will share with parents any concerns we may have about their child unless to do so may place a child at risk of harm.

We encourage parents to discuss any concerns they may have with the Academy. The Academy's Safeguarding and Child Protection Policies are on the website and parents are aware that they can view these policies on request.

## **7. Academy Training and Staff Induction**

The Academy's DSL and any named deputies undertake specific child protection training and any other relevant training to support them in their role. Refresher training is undertaken at two yearly intervals.

All other Academy staff, including non-teaching staff, volunteers and governors undertake appropriate in house training to equip them to carry out their responsibilities for child protection effectively. This is kept up to date by refresher training annually.

## **8. Health and Safety Policy**

The Academy has a health and safety policy, which is monitored each year by the relevant committee of the Academy Governing Body.

The Principal, with the staff member with responsibility for Health and Safety, the site supervisor and a governor with responsibility for Health and Safety oversee the policy and appropriate log books. Any concerns from staff, volunteers, governors or students are reported to any of the above and the site supervisor carries out an initial examination, assessing what remedial action needs to take place.

Each term there is a fire drill that practices efficient evacuation from the buildings. The Academy conducts an annual fire risk assessment.

There is a critical incidents plan that details what staff and parents should do in the case of emergencies.

## **9. First Aid**

A large number of staff are trained to provide first aid at work. Senior Leaders, pastoral managers, staff teaching or involved in PE activities, students' services staff are all trained to provide first aid at work. There are also several first aid kits situated at key locations at the Academy.

There is a separate policy covering first aid at the Academy and also a flowchart ensuring staff are clear of actions to be taken when an incident takes place.

## **10. Site Security**

The Academy aims to provide a secure site but recognises that the site is only as secure as the people who use it. Therefore, all people on the site have to adhere to the rules, which govern it. It is recognised that laxity can cause potential problems to safeguarding. Thus, the Academy ensures that:

- Gates are locked except at the start and end of each day.
- Doors are kept closed to prevent intrusion.
- Wherever possible visitors and volunteers only enter through the main entrance and must sign in at the main reception. Visitors and volunteers are not allowed around the Academy site unescorted.
- Students are only allowed home with adults/carers with parental responsibility or when confirmed permission has been received in advance.
- Students are not allowed to leave the Academy site alone and without prior permission from adults/carers with parental responsibility during school working hours and if collected by an adult, they are signed out.
- Should a student leave the premises without permission then parents and if appropriate the Police are immediately informed.

## **11. Welcoming other Professionals**

Visitors with a professional role, such as the school nurse or members of the Police should have been vetted to work with children through their own organisation. When there is a planned visit to the Academy, the DSL will ensure that written confirmation is received from the employing organisation that the said individual has an enhanced DBS certificate, within the last three years and cleared to work with children. Where possible, the Academy will ask to see the certificate; if the visitor will conduct more than 3 visits in 30 days, s/he will be included in the Academy's Single Central register after appropriate checks are made (by the Academy).

When the said individuals make adhoc or unplanned visits to the Academy, they will be accompanied by a staff member at all times and not allowed to have any unsupervised access to the children until confirmation of their vetting status has been received. No examination/medical treatment of any child will be allowed unless the professional has suitable clearance prior to their visit.

It is recognised that in emergency situations when the Police are called, perhaps to deal with an unruly adult, it may not be possible to confirm their identity before access to the Academy site is allowed. The Principal will use their professional judgement to effectively manage these situations.

## **12. Child Protection Policy**

Refer to the named, separate policy.

## **13. The Design of the Curriculum**

Students are taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum. The curriculum deals with safeguarding in two ways. Firstly, the pastoral curriculum encourages relevant discussions around related issues take place with the children. Topics include such themes as Drugs, Alcohol, Sex and Relationships, Stranger Danger, and e-safety issues. Students are encouraged to explore and discuss these issues.

Secondly, the curriculum is designed so that safety issues within the subject are discussed and safe practices explained, such as using equipment properly in PE and Design and Technology. Appropriate staffing levels will be maintained at all times when the curriculum is being delivered off site. Appropriate and agreed pupil/adult ratios are always maintained. The lead adult always risk assesses visits and trips to ensure children are safeguarded and protected from harm before the event is finally authorised by the Academy's School Educational Visits Coordinator and the Principal.

Visiting speakers, with correct clearance and/or constant supervision are always welcome into the Academy so that they can give specialist knowledge to the children.

## **14. Internet / E-Safety**

Students are encouraged to use the internet as much as is possible but at all times in a safe way. Parents, students and staff must sign an appropriate usage form to ensure that they understand the risks and sanctions relating to misuse of the system in and beyond the Academy. If staff know of misuse, either by a teacher, staff member, volunteer or student, the issue must be reported to the Principal without delay.

The Principal has overall responsibility for internet safety and will have access to all email addresses and passwords provided. The Academy follows guidelines for Internet use/E-safety laid down by the appropriate bodies.

The Academy will ensure that:

- Software is in place to minimise access and to highlight any person accessing inappropriate sites or information.
- Students are encouraged to discuss openly their use of technology and anything which makes them feel uncomfortable. (If this results in child protection concerns, the Senior Lead Person for child protection is informed immediately).
- Every effort is made to encourage students not to give out their personal details, phone numbers, Academy, home addresses, computer passwords etc.
- Students adhere to the Academy policy on mobile phones.
- Training is provided to students, staff and volunteers on e-safety matters where necessary.

The use of technology has become a significant component of many safeguarding issues. Child sexual exploitation; radicalisation; sexual predation- technology often provides the platform that facilitates harm. An effective approach to online safety empowers the Academy to protect and educate the whole school or college community in their use of technology and establishes mechanisms to identify, intervene and escalate any incident where appropriate.

- The breadth of issues classified within online safety is considerable, but can be categorised into three areas of risk:
- content: being exposed to illegal, inappropriate or harmful material
- contact: being subjected to harmful online interaction with other users

- conduct: personal online behaviour that increases the likelihood of, or causes, harm.

### **Filters and monitoring**

The Academy is doing all that it reasonably can to limit children's exposure to the above risks from the school or colleges IT system. As part of this process the Academy has appropriate filters and monitoring systems in place. Whilst considering its responsibility to safeguard and promote the welfare of children, and provide them a safe environment in which to learn, the Academy considers the age range of students, the number of students, how often they access the Academy's IT system and the proportionality of costs against risks. Whilst it is essential that appropriate filters and monitoring systems are in place, it should be ensured that "over blocking" does not lead to unreasonable restrictions as to what students can be taught with regards to online teaching and safeguarding.

Whilst filtering and monitoring are an important part of the online safety picture for the Academy, it is only one part; there is a whole school approach to online safety. This includes a clear policy on the use of mobile technology in the Academy.

### **Staff training**

The Academy ensures that as part of the requirement for staff to undergo regularly updated safeguarding training and the requirement to ensure children are taught about safeguarding, including online, that online safety training for staff is integrated, aligned and considered as part of the overarching safeguarding approach.

## **15. Inclusion Opportunities**

All students are welcome at the Academy. Where a child has a recognised disability all reasonable adjustments to accommodate their needs in Academy are made. This includes the availability of resources and accessibility of the Academy building and site. Students with Special Educational Needs and disabilities maintain their entitlement when they enter the Academy and the Academy ensures they fulfil their potential, academic or otherwise.

## **16. Behaviour Policy**

Good behaviour is essential in any community and at the Academy we have high expectation in this area. The Academy has a Behaviour Policy and a Code of Behaviour that must be adhered to by all students and a copy is posted annually to all families and is also on the Academy's website. Further copies are available on request. Although the emphasis is always on the positive, there are also times when students have to be disciplined in order to maintain the safety and security of all students.

Staff are discouraged from handling students but where they deem it the safest thing to do, guidance and training has been given on safe methods of restraining a child so that they do not harm either themselves or others. More details on restrain can be found in the Child Protection Policy.

## **17. Anti-Bullying Policy**

The Academy's response to this is unequivocal. Students are told that silence is the bully's best friend. Although bullying in this Academy is rare, the Academy always acts swiftly with a process of investigation, communication and action. There is a more detailed Anti-bullying Policy available on the Academy's website.

## **18. Equalities and Racial Tolerance**

The Academy has a single "Equality Policy". This includes information about what the Academy, through education, challenge and discussion, will do to ensure incidents do not happen. The Academy's work on this area ensures that racial tolerance is at the forefront of everything we do.

## **19. Photographing and Videoing of Children in Academy**

At the Academy there is a sensible and balanced approach to photographing and videoing children on the Academy site. We have a formal policy around "Taking photographs and video images of children" and a copy of the document is available from the Academy website.

Taking pictures and video images of children's achievements and activities is a wonderful way of capturing a memory and promoting successes. The policy document explains in detail the Academy's requirement to obtain parental permission while taking such images and the safeguards in place to ensure anonymity (wherever possible) in their usage.

## **20. Recognising concerns, signs and indicators of abuse**

Safeguarding is not just about protecting children from deliberate harm; it includes such things as pupil safety, bullying, racist abuse and harassment, educational visits, intimate care, children missing education and internet safety etc. The witnessing of abuse can also have a damaging effect on those who are party to it, as well as the child subjected to the actual abuse, and in itself will have a significant impact on the health and emotional well-being of the child. Abuse can take place in any family, institution or community setting, by telephone or on the internet. Abuse can often be difficult to recognise as children may behave differently or seem unhappy for many reasons, as they move through the stages of childhood or their family circumstances change. However, it is important to know the indicators of abuse and to be alert to the need to consult further. More details on abuse and signs of abuse are on the Academy's child protection policy.

## **21. Whistleblowing**

If members of staff, volunteers or governors have any concerns about people working in a paid or unpaid capacity with children, they have a duty of care (and in some cases a professional duty) to inform management accordingly. This can be done in writing or verbally and such issues will be managed with sensitivity and the necessary degree of confidence. See "how to raise a concern" in the main body of this policy.

## Appendix 2

### CURRENT SAFEGUARDING ISSUES

The following Safeguarding issues are all considered to be child Protection issues and should be referred immediately to the most relevant agency. The issues featured below are thus included in the Academy's Child Protection Policy in more detail.

Some members of our communities hold beliefs that may be common within particular cultures but which are against the law of England as they involve practices that are illegal and which are harmful to children. Examples of particular practices are:

- Forced Marriage
- Under-age Marriage
- Genital mutilation/female circumcision
- Ritualistic Abuse
- Children Missing Education
- Child missing from home or care
- Missing children and adults' strategy
- Relationship abuse
- Sexting
- Drugs
- Bullying including cyberbullying
- Faith abuse
- Hate
- Mental Health
- Gangs and youth violence
- Gender based violence/violence against women and girls
- Child Exploitation and E-Safety
- Safeguarding Disabled Children
- Honour Based Violence
- Sexually Active under Eighteen years old: It is acknowledged by those working with young people that most young people under the age of 18 will have an interest in sex and sexual relationships. The Academy uses The Protocol for Sexually Active Young People under 18 years old to address this.
- Trafficked Children: Child trafficking involves moving children across or within national or international borders for the purposes of exploitation. Exploitation includes children being used for sex work, domestic work, restaurant/ sweatshop, drug dealing, shoplifting and benefit fraud. Where the Academy is made aware of a child is suspected of or actually being trafficked/exploited, concerns are reported to the appropriate agency.
- Private Fostering: Private fostering is an arrangement made between the parent and the private foster carer, who then becomes responsible for caring for the child in such a way as to safeguard and promote his/her welfare. A privately fostered child means a child under the age of 16 (18 if a disabled child) who is cared for and provided with accommodation by someone other than:
  - A parent.
  - A person who is not a parent but has parental responsibility.
  - A close relative.
  - A Local Authority.

for more than 28 days and where the care is intended to continue. It is a statutory duty for the Academy to inform the Local Authority of a child or young person who may be subject to private fostering arrangements.

## **Domestic Abuse**

Domestic Violence/abuse is any type of controlling, bullying, threatening or violent behaviour between people in a relationship. But it isn't just physical violence – domestic abuse includes any emotional, physical, sexual, financial or psychological abuse. It can happen in any relationship, and even after the relationship has ended. Both men and women can be abused or abusers. Witnessing domestic abuse is child abuse, and teenagers can suffer domestic abuse in their relationships. Domestic abuse can seriously harm children and young people.

Where there is a disclosure of Domestic Abuse/ Violence normal safe guarding procedures should be followed.

## **Definition**

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

This definition, which is not a legal definition, includes so called 'honor' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

## **Potential signs**

Children may suffer both directly and indirectly if they live in households where there is domestic abuse/violence. Domestic abuse/violence includes any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, or young people, who are or have been intimate partners, family members or extended family members, regardless of gender and sexuality. Domestic abuse/violence is likely to have a damaging effect on the health and development of children, who are likely to suffer emotional and psychological maltreatment, and it will often be appropriate for them to be regarded as children in need. Women are more likely to experience the most serious forms of domestic violence but it is important to acknowledge that there are female perpetrators and male victims and that domestic violence also occurs within same sex relationships.

Everyone working with women and children should be alert to the frequent relationship between domestic abuse/ violence and the abuse and neglect of children. There may be serious effects on children who witness domestic violence, which often result in behavioural issues, low self-esteem, depression, absenteeism, ill health, bullying, antisocial or criminal behaviour, drug and alcohol misuse, self-harm and psychosocial impacts. Where there is evidence of domestic violence the implications for any children in the household should be considered, including the possibility that the children may themselves be subject to violence or may be harmed by witnessing or overhearing the

violence. Children affected by domestic violence often find disclosure difficult or go to great lengths to hide it.

### **Private Fostering**

Many people find themselves looking after someone else's child without realising that they may be involved in private fostering. A private fostering arrangement is one that is made privately (that is to say without the involvement of a local authority) for the care of a child under the age of 16 (under 18, if disabled) by someone other than a parent or immediate relative. If the arrangement is to last, or has lasted, for 28 days or more it is private fostering.

The Children Act 1989 defines a relative as a grandparent, brother, sister, uncle or aunt (whether of full blood or half blood or by marriage or civil partnership), or a step parent.

People become involved in private fostering for all kinds of reasons. Examples of private fostering include:

- Children who need alternative care because of parental illness;
- Children whose parents cannot care for them because their work or study involves long or antisocial hours;
- Children sent from abroad to stay with another family, usually to improve their educational opportunities;
- Unaccompanied asylum seeking and refugee children;
- Teenagers who stay with friends (or other non-relatives) because they have fallen out with their parents;
- Children staying with families while attending a school away from their home area.

There is a mandatory duty on the carer, the parents, and anyone else involved in making the arrangement, to inform the local authority of a private fostering. The local authority has a duty to check that the young person is being properly cared for and that the arrangement is satisfactory.

Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour. Such arrangements could amount to "private fostering" under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both.

Where a private fostering arrangement is made by a school or college or a third party such as a language school and the school, college or third party has the power to terminate the arrangement, then it could be the regulated activity provider for the purposes of the Safeguarding Vulnerable Groups Act 2006. However, where the parents make the arrangements themselves, this will be a private matter between the child's parents and the host parents and in these circumstances the school will not be the regulated activity provider.

### **SEND students**

Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. Additional barriers can exist when recognising abuse and neglect in this group of children, including:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- children with SEN and disabilities can be disproportionately impacted by things like bullying- without outwardly showing any signs; and
- communication barriers and difficulties in overcoming these barriers.

## **Looked after children**

The most common reason for children becoming looked after is as a result of abuse and/or neglect. It is therefore essential that staff have the skills, knowledge and understanding necessary to keep looked after children safe.

In particular, they should ensure that appropriate staff have the information they need in relation to a child's looked after legal status (whether they are looked after under voluntary arrangements with consent of parents or on an interim or full care order) and contact arrangements with birth parents or those with parental responsibility. They should also have information about the child's care arrangements and the levels of authority delegated to the carer by the authority looking after him/her. The designated safeguarding lead should have details of the child's social worker and the name of the virtual school head in the authority that looks after the child.

## Appendix 3

### ALLEGATIONS OF ABUSE MADE AGAINST TEACHERS AND OTHER STAFF

#### 1. Duties as an employer and an employee

This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

This part of the guidance relates to members of staff who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

#### 2. Initial considerations

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to a school or college's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

The following definitions should be used when determining the outcome of allegation investigations:

- Substantiated: there is sufficient evidence to prove the allegation;
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- False: there is sufficient evidence to disprove the allegation;
- Unsubstantiated: there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

In the first instance, the head teacher or principal, or chair of governors, chair of the management committee or proprietor of an independent Academy (the 'case manager') should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the

individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the case manager and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

The case manager should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the Academy or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step (see further information on suspension which follows).

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other Academy and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the case manager. In those circumstances, the options open to the Academy or college depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the Academy or college's staff.

However, in other circumstances, such as lack of appropriate resource within the Academy or college, or the nature or complexity of the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that maintained Academies and colleges can buy in from the authority. It is important that local authorities ensure that Academies and colleges have access to an affordable facility for independent investigation where that is appropriate.

### **3. Supporting those involved**

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. For staff in maintained schools and colleges, that may include support via the local authority occupational health or employee welfare arrangements. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraph 164). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

### **4. Confidentiality**

It is extremely important that when an allegation is made, the school or college makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public”. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Association of Chief Police Officers’ (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted).

The case manager should take advice from the LADO, police and children’s social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it should arise.

## **5. Managing the situation and exit arrangements**

### **Resignations and ‘settlement/compromise agreements’**

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met. If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement. A settlement/compromise agreement which prevents the Academy or college from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the Academy or college would not be complying with its legal duty to make the referral.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person’s period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

So-called ‘settlement/compromise agreements’, by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person’s notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

### **Record keeping**

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up

and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

### References

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

### Timescales

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

### Oversight and monitoring

The designated officer(s) has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. The LADO will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for:

- liaising with the LADO;
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

### Suspension

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children at the Academy or college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the Academy or college or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the LADO. In cases where the Academy or college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the Academy or college it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL's investigation.

The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the Academy or college so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the Academy or college so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative Academy or college or work for the local authority or academy trust.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the

LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care services or the police cannot require the case manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the Academy, or governing bodies of the Academy or college who are the employers of staff at the Academy or college. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the Academy or college consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

#### Information sharing

In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

## **6. Specific actions**

### Following a criminal investigation or a prosecution

The police should inform the employer and LADO immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### On conclusion of a case

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the case manager and their personnel adviser whether the school or college will decide to make a referral to the DBS for consideration

of whether inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with Disclosure and Barring Service – guidance on Referrals to the DBS the child or children who made the allegation can best be managed if they are still a pupil at the Academy or college.

#### 7. In respect of malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headteacher, principal or proprietor should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil.

#### 8. Learning lessons

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the Academy or college's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

#### 9. Further information

See the Crown Prosecution Service published guidance for the police under the Protection from Harassment Act 1997.

### **Annex A: Legislation**

This guidance refers to the legislation below:

- Education
  - The Children Act 1989 and 2004
  - Education Act 2002
  - The Education (Health Standards) (England) Regulations 2003
  - The Further Education (Providers of Education) (England) (Regulations) 2006
  - The Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007 as amended by SI 2010/1919, SI 2012/ 1201, SI 2012/1825, SI 2012/3158
  - The Academy Staffing (England) Regulations 2009 as amended by SI 2012/1740 and SI 2013/1940

- The Education (Independent Academy Standards) (England) Regulations 2010 as amended by SI 2012/2962
- The Education (Non-Maintained Special Academics) (England) Regulations 2011
- Police
  - Police Act 1997
  - The Police Act 1997 (Criminal Records) Regulations 2002, as amended
  - The Police Act 1997 (Criminal Records) (No 2) Regulations 2009, as amended
- Other
  - Safeguarding Vulnerable Groups Act 2006
  - Protection of Freedoms Act 2012
  - Equality Act 2010
  - The Common Law Duty of Care
  - The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended

#### **Appendix 4: Role of the designated safeguarding lead (DSL)**

Governing bodies and proprietors ensure that the Academy has designated an appropriate senior member of staff to take lead responsibility for child protection. This person has the status and authority within the Academy to carry out the duties of the post including committing resources and, where appropriate, supporting and directing other staff.

##### Deputy designated safeguarding leads

Deputy DSL(s) are trained to the same standard as the DSL. Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate lead responsibility for child protection, as set out above, remains with the DSL; this lead responsibility should not be delegated.

The broad areas of responsibility for the designated safeguarding lead are:

a) Managing referrals:

- Refer cases of suspected abuse to the local authority children's social care as required;
- Support staff who make referrals to local authority children's social care;
- Refer cases to the Channel programme where there is a radicalisation concern as required;
- Support staff who make referrals to the Channel programme;
- Refer cases where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service as required; and
- Refer cases where a crime may have been committed to the Police as required.

b) Working with others:

- Liaise with the principal to inform him of issues especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations;
- As required, liaise with the "case manager" (as per Part four) and the designated officer(s) at the local authority for child protection concerns (all cases which concern a staff member); and
- Liaise with staff on matters of safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies. Act as a source of support, advice and expertise for staff.

c) Training: The designated safeguarding lead will receive appropriate training carried out every two years. The designated safeguarding lead should undertake Prevent awareness training. In addition to the formal training set out above, their knowledge and skills should be refreshed (this might be via e-bulletins, meeting other designated safeguarding leads, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, but at least annually, to allow them to understand and keep up with any developments relevant to their role so they:

- Understand the assessment process for providing early help and intervention, for example through locally agreed common and shared assessment processes such as early help assessments.
- Have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so.
- Ensure each member of staff has access to and understands the Academy's child protection policy and procedures, especially new and part time staff.
- Be alert to the specific needs of children in need, those with special educational needs and young carers.
- Be able to keep detailed, accurate, secure written records of concerns and referrals.

- Obtain access to resources and attend any relevant or refresher training courses.
  - Understand and support the school or college with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation;
  - Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the Academy may put in place to protect them
- d) Raise Awareness - The designated safeguarding lead will ensure the Academy's policies are known and understood appropriately:
- Ensure the Academy's child protection policy is reviewed annually and the procedures and implementation are updated and reviewed regularly, and work with governing bodies or proprietors regarding this.
  - Ensure the child protection policy is available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the Academy in this.
  - Link with the local LSCB to make sure staff are aware of training opportunities and the latest local policies on safeguarding.
- e) Child Protection file: Where children leave the Academy ensure their child protection file is copied for any new Academy or college as soon as possible but transferred separately from the main pupil file.
- f) Availability:
- During term time the designated safeguarding lead (or a deputy) should always be available (during school hours) for staff to discuss any safeguarding concerns. Whilst generally speaking the designated safeguarding lead (or deputy) would be expected to be available in person, it is a matter for individual schools and colleges, working with the designated safeguarding lead, to define what "available" means and whether in exceptional circumstances availability via phone and or Skype or other such mediums is acceptable.
  - It is a matter for individual schools and colleges and the designated safeguarding lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities

## **Appendix 5: Statutory guidance – regulated activity (children) - Supervision of activity with children which is regulated activity when unsupervised.**

This statutory guidance on the supervision of activity with children which is regulated activity when unsupervised is also published separately on GOV.UK.

This document fulfils the duty in legislation that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, colleges, youth groups and sports clubs.

For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- There must be supervision by a person who is in regulated activity
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

Supervision by a person in regulated activity/regular and day to day: supervisors must be in regulated activity themselves. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual’s work (or, in a specified place such as a school, the individual’s opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
- how many workers would be supervised by each supervising worker.

In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

## **Further sources of information**

Supplementary guidance on particular safeguarding issues Department for Education guidance

[Safeguarding children who may have been trafficked](#)

[Safeguarding children and young people who may have been affected by gang activity](#)

[Safeguarding children from female genital mutilation](#)

[Forced marriage](#)

[Safeguarding children from abuse linked to faith or belief](#)

[Radicalisation - Prevent strategy](#)

[Radicalisation - Channel guidance](#)

[Use of reasonable force in schools](#)

[Safeguarding children and young people from sexual exploitation](#)

[Safeguarding Children in whom illness is fabricated or induced](#)

[Preventing and tackling bullying](#)

[Safeguarding children and safer recruitment in education](#)

[Information sharing: advice for practitioners](#)

[Keeping children safe in education](#)

[Safeguarding Disabled Children: Practice guidance](#)

[Department of Health / Department for Education: National Service Framework for](#)

[Children, Young People and Maternity Services](#)

[What to do if you're worried a child is being abused: advice for practitioners](#)

## Actions where there are concerns about a child

