



# ***Child Protection and Safeguarding Policy***

*February 2018*

## Safeguarding Children in Education and Child Protection Policy

### 1. Statement of purpose

- 1.1. The Trust fully recognises the responsibilities and the duty placed upon it to have arrangements to safeguard and promote the welfare of all pupils <sup>at</sup> each of its academies. Safeguarding children is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.
- 1.2. The Trust recognises the importance of providing an ethos and environment within each of its academies that will help children to feel safe, secure and respected; encourage them to talk openly; and enable them to feel confident that they will be listened to. Each of the Trust's academies will safeguard and promote the welfare of pupils and work together with other agencies to ensure that it has adequate arrangements to identify, assess and support those children who are suffering or likely to suffer harm.
- 1.3. The Trust and each of its academies believe that all children:
  - Have the right to be protected from harm and / or abuse
  - Have the opportunity to develop fully
  - Have their basic needs met
- 1.4. The Trust and each of its academies recognise that abuse occurs to children of all ages, both sexes, different races and cultures, and occurs in all social classes.
- 1.5. Each academy in the Trust recognises that, because of their day-to-day contact with pupils, staff members are extremely well placed to observe outward signs of abuse; and that all adults within the academy, including permanent and temporary staff, volunteers and members of local governing bodies, have a full and active part to play in protecting students from harm.
- 1.6. Each academy will work with parents to build an understanding of the academy's responsibilities to ensure the welfare of all children, including the need for referrals to other agencies in some situations.

### 2. Scope

- 2.1. In line with the law, this policy defines a child as anyone under the age of 18 years.
- 2.2. This policy applies to all members of staff in our school, including all permanent, temporary and ancillary staff, Directors, members of Local Governing Bodies, volunteers, contractors and external service or activity providers.

### 3. The legal framework

- 3.1. This policy has been developed in accordance with the requirements of the following legislation:
  - Section 157 of the Education Act 2002, which places a duty on non-maintained and independent schools, including free schools and academies, to make arrangements for ensuring that their functions relating to the conduct of the academy are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the academy;
  - Section 10 of the Children Act 2004, which requires all maintained schools, further education colleges and independent schools, including free schools and academies, to cooperate with the local authority to improve the well-being of children in the local authority area;

- Part V of the Children Act 1989, which concerns the protection of children;
- Section 14B of the Children Act 2004, which states that the Local Safeguarding Children Board can require a school to supply information in order to perform its functions;
- The Education (Pupil Information) (England) Regulations 2005;
- Section 26 of the The Counter-Terrorism and Security Act 2015

3.2 This policy and the accompanying procedure have been developed in accordance with the following statutory guidance and local safeguarding procedures:

- Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children, DfE July 2015
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE March 2015
- Nottingham/shire Child Protection and Safeguarding Procedures
- Childcare Disqualification Regulations 2009
- Disqualification under the Childcare Act 2006: DfE Statutory Guidance for Schools about the Employment of Staff Disqualified from Childcare, February 2015
- The Prevent Duty: Departmental advice for schools and childcare providers, DfE June 2015

#### **4. Roles and responsibilities**

4.1. The staff members with designated safeguarding responsibilities in each academy are identified in **Appendix 1**.

4.2. Each academy's lead person with overall responsibility for child protection and safeguarding is the Designated Safeguarding Lead. There is also a deputy Designated Safeguarding Lead in each academy to ensure there is appropriate cover for this role at all times. The Designated Safeguarding Lead's responsibilities are described in **Appendix 2**.

The Designated Safeguarding Lead will be on the academy's leadership team and their role of Designated Safeguarding Lead will be explicit in their job description. This person should have the appropriate authority and be given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters, to take part in strategy discussions and inter-agency meetings – and/or to support other staff to do so – and to contribute to the assessment of children.

4.3. The Trust's Board of Directors, through its Achievement and Ethos Committee, has oversight of safeguarding and child protection matters across the Trust's academies and for monitoring the appropriate implementation of this policy. The Board of Directors is responsible for ensuring that the policy is reviewed annually.

4.4. Each academy's Local Governing Body has responsibility for monitoring the implementation of this policy in its academy. The Local Governing Body is collectively responsible for ensuring that

safeguarding arrangements are fully embedded within the academy's ethos and reflected in the academy's day-to-day practice. This includes:

- Ensuring that the Safeguarding in Education and Child Protection Policy is provided to all staff – including temporary staff and volunteers on induction and that staff are kept up to date with changes;
- Ensuring that the academy contributes to inter-agency working, which includes providing a coordinated offer of early help when additional needs of children are identified. This includes allowing access for children's social care from the host local authority and, where appropriate, from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment.
- Ensuring that the academy has appointed a designated member of staff for child protection who should undergo refresher child protection training every two years.
- Ensuring that the academy creates a culture of safe recruitment and, as part of that, adopts recruitment procedures that help deter, reject or identify people who might abuse children (Part Three: Safer Recruitment. Keeping Children Safe in Education 2016);
- Ensuring that at least one member of an appointing panel will have attended safer recruitment training.
- Ensuring that the academy keeps an up to date single central record of all staff and volunteers and the dates of all appropriate safeguarding checks.
- Monitoring the adequacy of resources committed to child protection, and the staff and local governor training profile;
- Recognising that neither it, nor individual local governors, have a role in pursuing or managing the processes associated with individual cases of child protection, nor a right to know details of such cases, except when exercising their disciplinary functions in respect of allegations against staff
- Prioritising the welfare of children and young people and creating a culture where staff are confident to challenge senior leaders over any safeguarding concerns.
- Giving consideration as to how children may be taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum.

4.5. Each Local Governing Body has a nominated member responsible for safeguarding who will:

- champion good practice;
- meet the Designated Safeguarding Lead and discuss issues in relation to child protection matters, including support provided by the academy for students, and the effectiveness of systems to support the identification of child protection concerns;
- liaise with the Head Teacher / Principal;
- provide information and reports to the Local Governing Body.

4.6. The case manager for dealing with allegations of abuse made against academy staff members is the Head Teacher/ Principal of that academy. The case manager for dealing with allegations against central Trust staff is the Chief Executive. The case manager for dealing with allegations against one of the Trust's Head Teacher's / Principals or its Chief Executive is the Chair of the Board of Directors. The procedure for managing allegations is detailed in **Appendix 3**.

4.7. The Head Teacher/Principal of each academy will ensure that the policies and procedures are fully implemented and sufficient resources and time are allocated to enable staff members to discharge their safeguarding responsibilities.

4.8. All staff members, directors, members of local governing bodies, volunteers and external providers know how to recognise signs and symptoms of abuse, how to respond to students who disclose abuse and what to do if they are concerned about a child (see **Appendix 3**). All such colleagues

should raise concerns with the academy's Designated Safeguarding Lead in the first instance; however, in exceptional circumstances, where there is a risk of immediate serious harm to a child, colleagues should approach Nottingham/shire Children's Social Care directly.

4.9. All staff members should:

- be aware of and follow the Nottingham/shire Child Protection and Safeguarding Procedures and the Child Protection and Safeguarding Procedures included in **Appendix 3**;
- read Part 1 of Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE September 2016;

4.10. The Trust's Income and Lettings policy will ensure the suitability of adults working with children on academy premises at any time. Those authorised by each academy to work with children on academy premises should enter into a formal commitment to comply with the Trust's child safeguarding responsibilities. Community users organising activities for children will be made aware of the Trust's child protection guidelines and procedures and will confirm their commitment to abide by them.

## **5. Supporting children**

5.1. The Trust recognises that children who are abused or witness violence are likely to have low self-esteem and may find it difficult to develop a sense of self-worth. They may feel helpless, humiliated and some sense of blame. The student's academy may be the only stable, secure and predictable element in their lives.

5.2. Each academy accepts that the behaviour of a child in these circumstances may range from that which is perceived to be normal to aggressive or withdrawn.

5.3. Each academy school will support its students by:

- ensuring the content of the curriculum includes social and emotional aspects of learning;
- ensuring a comprehensive curriculum response to e-safety, enabling children and parents to learn about the risks of new technologies and social media and to use these responsibly;
- ensuring that child protection is included in the curriculum to help children stay safe, recognise when they do not feel safe and identify who they might or can talk to;
- providing students with a number of appropriate adults to approach if they are in difficulties;
- supporting the child's development in ways that will foster security, confidence and independence;
- encouraging development of self-esteem and self-assertiveness while not condoning aggression or bullying;
- ensuring repeated hate incidents, e.g. racist, homophobic or gender- or disability-based bullying, are considered under child protection procedures;
- liaising and working together with other support services and those agencies involved in safeguarding children; and
- monitoring children who have been identified as having welfare or protection concerns and providing appropriate support.

## **6. Child protection and safeguarding procedure**

6.1. The Trust has developed a structured procedure in line with *Nottingham/shire Child Protection and Safeguarding Procedures* which will be followed by all members of the Trust and each academy community in cases of suspected abuse. This is detailed in **Appendix 3**.

6.2. In line with the procedures, the relevant Children's Services Duty and Assessment Team will be notified as soon as there is a significant concern.

6.3. The name of the Designated Safeguarding Lead will be clearly advertised in each academy, with a statement explaining the academy's role in referring and monitoring cases of suspected abuse.

6.4. Each academy will ensure all parents and carers are aware of the responsibilities of staff members to safeguard and promote the welfare of children by publishing the policy and procedures on its website and by referring to them in its introductory school materials

6.5. The names and contact details of those responsible for safeguarding in each academy (the Head Teacher/Principal, the Designated Safeguarding Lead/deputy and Safeguarding Link Governor) will be provided on noticeboards in the academy alongside details of Childline and the NSPCC. This information will also be published on each academy's website.

## **7. Note regarding Female Genital Mutilation**

7.1. Female genital mutilation (FGM) refers to procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons. The practice is illegal in the UK. FGM typically takes place between birth and around 15 years old; however, it is believed that the majority of cases happen between the ages of 5 and 8.

7.2. The Pax Christi Academies Trust believes that our pupils should be kept safe from harm

Risk factors for FGM include:

- low level of integration into UK society
- mother or a sister who has undergone FGM
- girls who are withdrawn from PSHE
- visiting female elder from the country of origin
- being taken on a long holiday to the country of origin
- talk about a 'special' procedure to become a woman

7.3. It is illegal in the United Kingdom to allow girls to undergo FGM either in this country or abroad. People guilty of allowing FGM to take place are punished by fines and up to fourteen years in prison.

7.4. Post FGM Symptoms include difficulty walking, sitting or standing; spending longer than normal in the bathroom or toilet; unusual behaviour after a lengthy absence; reluctance to undergo normal medical examinations; and asking for help, but may not be explicit about the problem due to embarrassment or fear.

7.5 There is a statutory duty upon teachers to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18. Those failing to report such cases will face disciplinary sanctions. It will be rare for teachers to see visual evidence, and they should not be examining pupils, but the same definition of what is meant by "to discover that an act of FGM appears to have been carried out" is used for all professionals to whom this mandatory reporting duty applies.

7.6 Teachers must report to the police cases where they discover that an act of FGM appears to have been carried out. Unless the teacher has a good reason not to, they should still consider and discuss any such case with the school's designated safeguarding lead and involve children's social care as appropriate

7.7 Support staff who observe any behaviour or symptoms associated with FGM or who hear or are told anything significant by a pupil/student or others, must report their concerns to the Designated Safeguarding Lead, who will respond in accordance with the *Nottingham/shire Child Protection and Safeguarding Procedures*.

## **8. Note regarding the PREVENT Strategy**

8.1. Radicalisation is the process by which people come to support terrorism and violent extremism and, in some cases, then to participate in terrorist groups.

8.2. Each academy in the Pax Christi Trust recognises the positive contribution it can make in supporting vulnerable individuals who are being targeted and recruited to the cause of violent extremism'. Each academy will empower pupils/students to create communities that are more resilient to extremism and will protect the well-being of particular pupils/students who may be vulnerable to being drawn into violent extremism and criminal activity.

8.3. Potential indicators include: use of inappropriate language; possession of violent extremist literature; behavioural changes; the expression of extremist views; advocating violent actions and means; association to known extremists; and seeking to recruit others to an extremist ideology.

8.4. Staff who observe any of these behaviours or hear or are told anything significant by a pupil/student or others, must report their concerns to the Designated Safeguarding Lead who will respond in accordance with the *Nottingham/shire Child Protection and Safeguarding Procedures*. If there are significant concerns, the academy is required to discuss these with the nominated local police officer.

8.5. The PREVENT Strategy also requires all schools and academies to actively promote the British Values of democracy, rule of law, equality of opportunity, freedom of speech and the rights of all men and women to live free from persecution of any kind; and to promote the spiritual, moral, social and cultural development of pupils. Each academy will produce a statement describing how these values will be incorporated within its curriculum.

8.6. Each academy's Local Governing Body is responsible for ensuring that British Values is reflected and implemented effectively in academy policy and practice and that there are effective risk assessments in place to safeguard and promote pupils'/students' welfare.

## **9. Record keeping**

9.1. All child protection and welfare concerns will be recorded and kept in line with the Nottingham/shire Local Safeguarding Children Board guidance.

9.2. Each academy will continue to support any pupil leaving the academy about whom there have been concerns by ensuring that all appropriate information, including child protection and welfare concerns, is forwarded under confidential cover to the student's new school as a matter of priority.

9.3. Records relating to safeguarding will be kept in line with national guidelines. This is currently until the child's 25<sup>th</sup> birthday.

9.4. Where a child with a Child Protection file leaves an academy in the Trust, this will be transferred securely to the child's new school, separate from the main pupil/student file. The new school will be asked to provide a receipt.

## **10. Safer workforce and managing allegations against staff and volunteers**

10.1. The Trust will prevent people who pose risks to children from working in its academies by ensuring that all individuals working in any capacity at one of our academies have been subjected to safeguarding checks in line with the statutory guidance *Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE July 2016* and the *Disqualification under the Childcare Act 2006: DfE Statutory Guidance for Schools about the Employment of Staff Disqualified from Childcare, February 2015*.

10.2. Further details are provided in the Trust's Recruitment Procedures Policy.

10.3. The Trust will ensure that agencies and third parties supplying staff provide evidence that they have made the appropriate level of safeguarding check on individuals working in each academy.

10.4. Every job description and person specification will have a clear statement about the safeguarding responsibilities of the post holder.

10.5. The Trust will ensure that at least one member of every interview panel has completed safer recruitment training.

10.6. The Trust has a procedure in place to handle allegations against members of staff and volunteers in line with *Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE July 2016* and the *Disqualification under the Childcare Act 2006: DfE Statutory Guidance for Schools about the Employment of Staff*

## **11. Staff induction, training and development**

11.1. All new members of staff, will be given induction that includes basic child protection training on how to recognise signs of abuse, how to respond to any concerns, e-safety and familiarisation with the child protection policy and other related policies. The induction will be proportionate to staff members' roles and responsibilities.

11.2. Each academy's Designated Safeguarding Lead will undergo updated child protection training every two years.

11.3. All staff members of the academy will undergo live safeguarding and child protection training (whole-school training) which is regularly updated and at least every three years. All governors must undergo governor specific online awareness training at least every two years.

11.4. Staff members who miss the whole-school training will be required to undertake other relevant training to make up for it, e.g. by joining another school's whole-school training.



11.5. The nominated member for safeguarding and child protection of each Local Governing Body will undergo appropriate training prior to or soon after appointment to the role; this training will be updated every three years.

11.6. The Trust will ensure that staff members provided by other agencies and third parties, e.g. supply teachers, have received appropriate child protection training commensurate with their roles before starting work. They will be given the opportunity to take part in whole-school training if it takes place during their period of work for the academy.

11.7. Each academy's Designated Safeguarding Lead will provide an annual briefing to their academy on any changes to child protection legislation and procedures and relevant learning from local and national serious case reviews.

## **12. Confidentiality, consent and information sharing**

12.1. The Trust recognises that all matters relating to child protection are confidential.

12.2. The Head Teacher/Principal or the Designated Safeguarding Lead of each academy will disclose any information about a student to other members of staff on a need-to-know basis only.

12.3. All staff members must be aware that they cannot promise a child to keep secrets which might compromise the child's safety or well-being.

12.4. All staff members have a professional responsibility to share information with other agencies in order to safeguard children.

12.5. All staff members who come into contact with children will be given appropriate training to understand the purpose of information sharing in order to safeguard and promote children's welfare.

12.6. The Trust will ensure that staff members are confident about what they can and should do under the law, including how to obtain consent to share information and when information can be shared without consent. This is covered in greater detail in **Appendix 3**.

12.7. The intention to refer a child to Children's Services will be shared with parents /carers unless to do so could put the child at greater risk of harm, or impede a criminal investigation. If in doubt, the Duty Manager at the Assessment Team at Children's Services will be consulted.

## **13. Inter-agency working**

13.1. The Trust and its academies will develop and promote effective working relationships with other agencies, including agencies providing early help services to children, the police and Children's Social Care

13.2. The Trust will ensure that relevant staff members participate in multi-agency meetings and forums, including child protection conferences and core groups, to consider individual children.

13.3. The Trust will participate in serious case reviews, other reviews and file audits as and when required to do so by the Nottingham/shire Safeguarding Children Board. The Trust will ensure that there is a clear process for gathering the evidence required for reviews and audits, embedding recommendations into practice and completing required actions within agreed timescales.

#### **14. Contractors, service & activity providers and work placement providers**

14.1. The Trust and its academies will ensure that contractors and providers are aware of the Trust's child protection policy and procedures. The Trust will require that employees and volunteers provided by these organisations use our procedure to report concerns.

14.2. The Trust will seek assurance that employees and volunteers provided by these organisations and working with the Trust's children have been subjected to the appropriate level of safeguarding check in line with *Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE september 2016* and the *Disqualification under the Childcare Act 2006: DfE Statutory Guidance for Schools about the Employment of Staff Disqualified from Childcare, February 2015*.

If assurance is not obtained, permission to work with the Trust's children or use our academy premises may be refused.

14.3. When the Trust commissions services from other organisations, it will ensure that compliance with the Trust's policy and procedures is a contractual requirement.

14.4. Where services or activities are provided separately by another body using the academy premises, the Trust will seek written assurance that the body concerned has appropriate policies and procedures in place in regard to safeguarding children and child protection.

#### **15. Whistle-blowing and complaints**

15.1. The Trust and its academies recognise that children cannot be expected to raise concerns in an environment where staff members fail to do so.

15.2. The Trust will ensure that all staff members are aware of their duty to raise concerns, where they exist, about the management of child protection, which may include the attitude or actions of colleagues. If necessary, staff will speak with the Head Teacher/Principal of their academy, the chair of their academy's governing body or with the Local Authority Designated Officer.

15.3. The Trust also has separate Complaints and Whistle Blowing policies should any individual have concerns about staff or practice in the Trust or any of its academies.

#### **16. Site security**

16.1. All staff members have a responsibility to ensure that academy buildings and grounds are secure and for reporting concerns that may come to light.

16.2. Each of the Trust's academies checks the identity of all visitors and volunteers coming into academy. Visitors are expected to sign in and out in the office visitors' log and to display a visitor's badge while on the academy site. Any individual who is not known or identifiable will be challenged for clarification and reassurance.

16.3. The Trust and its academies will not accept the behaviour of any individual, parent or anyone else, that threatens academy security or leads others, child or adult, to feel unsafe. Such behaviour will be treated as a serious concern and may result in a decision to refuse the person access to the academy site.

## **17. Quality assurance**

- 17.1. The Trust will ensure that systems are in place to monitor the implementation of and compliance with this policy and accompanying procedures. This will include periodic audits of child protection files and records by the Designated Safeguarding Lead.
- 17.2. An audit of each academy's safeguarding arrangements will be undertaken via a peer view approach, normally every three years. This will utilise the No Safeguarding Children Board's audit tool.
- 17.3. The academy's senior management and its local governing body will ensure that action is taken to remedy without delay any deficiencies and weaknesses identified in child protection arrangements.

## **18. Linked policies and procedures**

18.1. The following policies and procedures are relevant for the child protection and safeguarding policy and procedure.

- Special Educational Needs and Disabilities Policy
- Behaviour Policy
- Preventing Bullying Policy
- Sex and Relationships Policy
- Physical Contact Guidance
- Looked After Children Policy
- Drug, Alcohol and Tobacco Education Policy
- Off Rolling and Children Missing from Education Policy
- Staff Appointment Procedures
- Staff Code of Conduct policy
- Whistle Blowing Policy
- Health and Safety Policy
- E-safety Policy
- Offsite Activities and Educational Visits Policy
- Complaints Policy and Procedure
- Use of Social Media Policy
- Equality and Diversity Policy
- Preventing radicalisation and extremism

## Appendix 1 – Key staff

### 1. Local authority contacts

|   |  |               |
|---|--|---------------|
| Nottinghamshire County Council<br>Local Authority Designated<br>Officer (LADO)        | Eva Callaghan<br>or covering LADO          | 0115 8041271  |
| City of Nottingham Local<br>Authority Designated Officer<br>(LADO)                    | Richard Powell                             | 0115 8764747  |
| Nottinghamshire County Council<br>Children’s Access Point – for<br>reporting concerns | Multi-Agency Safeguarding Hub<br>(M.A.S.H) | 0300 500 8080 |
| Nottingham City Council<br>Children’s Access Point – for<br>reporting concerns        | Duty Team                                  | 0115 8765600  |

### 2. Trust contacts

#### Christ the King

|  |                          |
|--|--------------------------|
| Principal  | Carlo Cuomo              |
| Designated Safeguarding Lead   | Jo Love                  |
| Deputy Designated Safeguarding Lead                                  | Steve Akers, Polly Smith |
| Chair of the Local Governing Body                                    | David Wilson             |
| Nominated member of the Local Governing Body for<br>Child Protection | Pat Faulconbridge        |

#### Good Shepherd

|  |                                  |
|--|----------------------------------|
| Head Teacher   | Margaret Williams                |
| Designated Safeguarding Lead   | Margaret Williams                |
| Deputy Designated Safeguarding Lead                                  | Caroline Milner                  |
| Chair of the Local Governing Body                                    | Rebecca Burke                    |
| Nominated member of the Local Governing Body for<br>Child Protection | Rebecca Burke; Michelle Thatcher |

#### Holy Cross

|  |                                 |
|--|---------------------------------|
| Head Teacher   | Robert della Spina              |
| Designated Safeguarding Lead   | Robert della Spina              |
| Deputy Designated Safeguarding Lead                                  | Sally Butkevicius               |
| Chair of the Local Governing Body                                    | Louise Edwards                  |
| Nominated member of the Local Governing Body for<br>Child Protection | Christa Bales<br>Angela Francis |

**Sacred Heart**

|   |                             |
|---|-----------------------------|
| Head Teacher  | Karen Taylor                |
| Designated Safeguarding Lead                                      | Karen Taylor                |
| Deputy Designated Safeguarding Lead                               | Andrea Burton               |
| Chair of the Local Governing Body                                 | Elizabeth Cooper            |
| Nominated member of the Local Governing Body for Child Protection | Fr Joe Wheat<br>Helen James |

**St Margaret Clitherow**

|   |                                |
|---|--------------------------------|
| Head Teacher  | Christine Reilly               |
| Designated Safeguarding Lead                                      | Christine Reilly               |
| Deputy Designated Safeguarding Lead                               | Sarah Sweeney<br>Rachel O'Mara |
| Chair of the Local Governing Body                                 | Julie O'Boyle                  |
| Nominated member of the Local Governing Body for Child Protection | Julie O'Boyle                  |

## Appendix 2 - The role of the Designated Safeguarding Lead

### 1 Managing referrals

- 1.1 Refer all cases of suspected abuse to Nottingham/shire Children's Social Care Sussex and to the Police if a crime may have been committed.
- 1.2 Liaise with the Head Teacher/Principal about safeguarding issues relating to individual children, especially new and ongoing enquiries under section 47 of the Children Act 1989.
- 1.3 Act as a source of support, advice and expertise to staff members on matters of child protection and safeguarding and when deciding whether to make a referral by liaising with relevant authorities.
- 1.4 Liaise with agencies providing early help services and coordinate referrals from the academy to targeted early help services for children in need of support.
- 1.5 Ensure that any child who is subject to a child protection plan and who is absent without explanation for two or more days is referred to their Key Worker's Social Care Team. In some cases, any absence may be a cause for concern and warrant immediate reporting.

### 2 Record keeping

- 2.1 Send a written record of any referrals to Social Care or the Police by the end of the day that the referral is made.
- 2.2 Keep written records of child protection and welfare concerns in line with Nottingham/shire Local Safeguarding Board Guidance *Keeping Child Protection and Welfare Concerns: Guidance for Early Years Settings, Schools and College*.
- 2.3 Ensure a stand-alone file is created as necessary for children with safeguarding concerns.
- 2.4 Ensure that an indication of further record keeping is marked on the child's educational records.
- 2.5 Maintain a chronology of significant incidents for each child with safeguarding concerns.
- 2.6 Ensure such records are kept confidentially and securely and separate from the child's educational record. If these are stored electronically, ensure that they have a different password protection from the child's other files, and accessible only by the Head Teacher/Principal and designated leads.
- 2.7 As soon as a child with safeguarding concerns moves to another school, the Designated Safeguarding Lead will make contact with the Designated Safeguarding Lead at the new school and will ensure that the child protection file is forwarded to the receiving school in an appropriately agreed manner. The academy will retain evidence to demonstrate how the file has been transferred; this may be in the form of a written confirmation of receipt from the receiving school and/or evidence of recorded delivery. Where a parent elects to remove their child from the school roll to home educate, the school will make arrangements to pass any safeguarding concerns to the local authority.

### **3 Inter-agency working and information sharing**

3.1 Cooperate with Children's Social Care for enquiries under section 47 of the Children Act 1989.

3.2 Attend, or ensure other relevant staff members attend, child protection conferences, core group meetings and other multi-agency meetings, as required.

3.3 Liaise with other agencies working with the child, share information as appropriate and contribute to assessments.

### **4 Training**

4.1 Undertake appropriate training, updated every two years, in order to:

- be able to recognise signs of abuse and how to respond to them, including special circumstances such as child sexual exploitation, female genital mutilation, fabricated or induced illness
- understand the assessment process for providing early help and intervention,
- have a working knowledge of how the local authority conducts initial and review child protection case conferences and contribute effectively to these; and be alert to the specific needs of children in need (as specified in section 17 of the Children Act 1989), those with special educational needs, pregnant teenagers and young carers. This includes those children in the academy who are at risk of: domestic violence; female genital mutilation; being missing from education; child trafficking; radicalisation; bullying (which includes race/hate or homophobic behaviour).
- Be able to keep detailed, accurate, secure written records of concerns and referrals.

4.2 Ensure each member of staff has access to and understands the Trust's Safeguarding and Child Protection Policy and Procedures, including providing induction on these matters to new staff members.

4.3 Organise whole-school child protection training for all staff members every three years. Ensure staff members who miss the training receive it by other means, e.g. by joining another school's training.

4.4 Link with Nottingham/shire Safeguarding Children Board to identify appropriate training opportunities for relevant staff members.

4.5 Ensure the academy allocates time and resources every year for relevant staff members to attend training.

4.6 Encourage a culture of listening to children and taking account of their wishes and feelings in any action the academy takes to protect them.

### **5 Awareness-raising**

5.1 Review the implementation of the Trust's Safeguarding and Child Protection Policy and Procedures annually and liaise with the Trust's Director of Policy and Governance to update and implement them where necessary or appropriate.

5.2 Make the Trust's Safeguarding and Child Protection Policy and Procedures available publicly.

5.3 Ensure that policy and procedures are known and used appropriately within the academy (this includes ensuring that each member of staff has access to and understands the policy and procedures, especially new and part-time staff).

5.4 Ensure that all staff read, at least, Part One of Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE September 2016 and have a record of when this was done.

5.5 Raise awareness of parents that referrals about suspected abuse may be made and the role of the academy in any investigations that ensue.

5.6 Provide an annual briefing to the academy on any changes to child protection legislation and procedures and relevant learning from local and national serious case reviews.

## 6 Quality assurance

6.1 Monitor the implementation of and compliance with policy and procedures, including periodic audits of child protection and welfare concerns files (at a minimum once a year).

6.2 Complete an audit of the academy's safeguarding arrangements at frequencies specified by the Trust.

6.3 Provide regular reports, to the academy's Local Governing Body detailing changes and reviews to policy, training undertaken by staff members and the number of children with child protection plans and other relevant data.

6.4 Take lead responsibility for remedying any deficiencies and weaknesses identified in child protection arrangements

## Appendix 3 - Child Protection and Safeguarding Procedure

### 1 Definitions

1.1 **Abuse**, including neglect, is a form of maltreatment. A person may abuse a child by inflicting harm or by failing to prevent harm. Children may be abused within their family, in an institutional or community setting, by those known to them, or, more rarely, by a stranger.

1.2 **Children** are any people who have not yet reached their 18<sup>th</sup> birthday; a 16-year-old, whether living independently, in further education, in the armed forces or in hospital, is a child and is entitled to the same protection and services as anyone younger.

1.3 **Child protection** is part of safeguarding and promoting the welfare of children and refers to activity undertaken to protect specific children who are suffering, or likely to suffer, significant harm.

1.4 **Early help** means providing support as soon as a problem emerges, at any point in a child's life, from the foundation years to teenage years.

1.5 **Harm** is ill treatment or impairment of health and development, including impairment suffered from seeing or hearing the ill treatment of another.



1.6 **Safeguarding children** is the action we take to promote the welfare of children and protect them from harm. **Safeguarding and promoting the welfare of children** is defined in Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and

Promote the Welfare of Children, DfE March 2015 as:

- protecting children from maltreatment;
- preventing impairment of children’s health and 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.

1.7 **Significant harm** is the threshold that justifies compulsory intervention in the family in the best interests of the child. Section 31 of the Children Act 1989 states ‘where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.’

1.8 For more definitions, see *Nottingham/shire Child Protection and Safeguarding Procedures*.

## 2 Categories of abuse

2.1 **Emotional abuse** is the persistent emotional maltreatment of a child such that it causes severe and persistent adverse effects on the child’s emotional development. It may involve:

- making a child feel worthless, unloved or inadequate
- only there to meet another’s needs
- inappropriate age or developmental expectations
- overprotection and limitation of exploration, learning and social interaction
- seeing or hearing the ill treatment of another, e.g. domestic abuse
- making the child feel worthless and unloved - high criticism and low warmth
- serious bullying
- exploitation or corruption

Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

| <b>Indicators of emotional abuse Physical indicators</b>   | <b>Behavioural indicators</b>   |
|--|---|
| <ul style="list-style-type: none"> <li>• Poor attachment relationship</li> <li>• Unresponsive / neglectful behaviour towards the child’s emotional needs</li> <li>• Persistent negative comments about the child</li> <li>• Inappropriate or inconsistent expectations</li> <li>• Self-harm</li> </ul> | <ul style="list-style-type: none"> <li>• Low self-esteem</li> <li>• Unhappiness, anxiety</li> <li>• Withdrawn</li> <li>• Insecure</li> <li>• Attention seeking</li> <li>• Passive or aggressive behavioural extremes</li> </ul> |

2.2 **Neglect** is the persistent failure to meet a child’s basic physical or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance misuse. Once a child is born, it may involve a parent failing to:

- provide adequate food, clothing and shelter, including exclusion from home or abandonment
- protect a child from physical and emotional harm or danger
- ensure adequate supervision, including the use of inadequate care givers

- ensure access to appropriate medical care or treatment

It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.

| <b>Indicators of emotional abuse Physical indicators</b>   | <b>Behavioural indicators</b>   |
|--|---|
| <ul style="list-style-type: none"> <li>• Poor attachment relationship</li> <li>• Unresponsive / neglectful behaviour towards the child’s emotional needs</li> <li>• Persistent negative comments about the child</li> <li>• Inappropriate or inconsistent expectations</li> <li>• Self-harm</li> </ul> | <ul style="list-style-type: none"> <li>• Low self-esteem</li> <li>• Unhappiness, anxiety</li> <li>• Withdrawn</li> <li>• Insecure</li> <li>• Attention seeking</li> <li>• Passive or aggressive behavioural extremes</li> </ul> |

2.3 **Physical abuse** may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

| <b>Physical indicators</b>  | <b>Behavioural indicators</b>  |
|---|--|
| <ul style="list-style-type: none"> <li>• Unattended medical need</li> <li>• Underweight or obesity</li> <li>• Recurrent infection</li> <li>• Unkempt dirty appearance</li> <li>• Smelly</li> <li>• Inadequate / unwashed clothes</li> <li>• Consistent lack of supervision</li> <li>• Consistent hunger</li> <li>• Inappropriately dressed</li> </ul> | <ul style="list-style-type: none"> <li>• Poor social relationships</li> <li>• Indiscriminate friendliness</li> <li>• Poor concentration</li> <li>• Low self-esteem</li> <li>• Regularly displays fatigue or lethargy</li> <li>• Frequently falls asleep in class</li> <li>• Frequent unexplained absences</li> </ul> |

Most accidental injuries occur on parts of the body where the skin passes over a bony protrusion.

2.4 **Sexual abuse** involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. Activities may involve physical contact, including penetration of any part of the body, or non-penetrative acts. They may include non-contact activities, such as involving children looking at or in the production of sexual images, including on the internet, watching sexual activities, or encouraging children to behave in sexually inappropriate ways. Child sexual exploitation is also sexual abuse; it involves children and young people receiving something, for example accommodation, drugs, gifts or affection, as a result of them performing sexual activities, or having others perform sexual activities on them. It could take the form of grooming of children, e.g. to take part in sexual activities or to post sexual images of themselves on the internet.

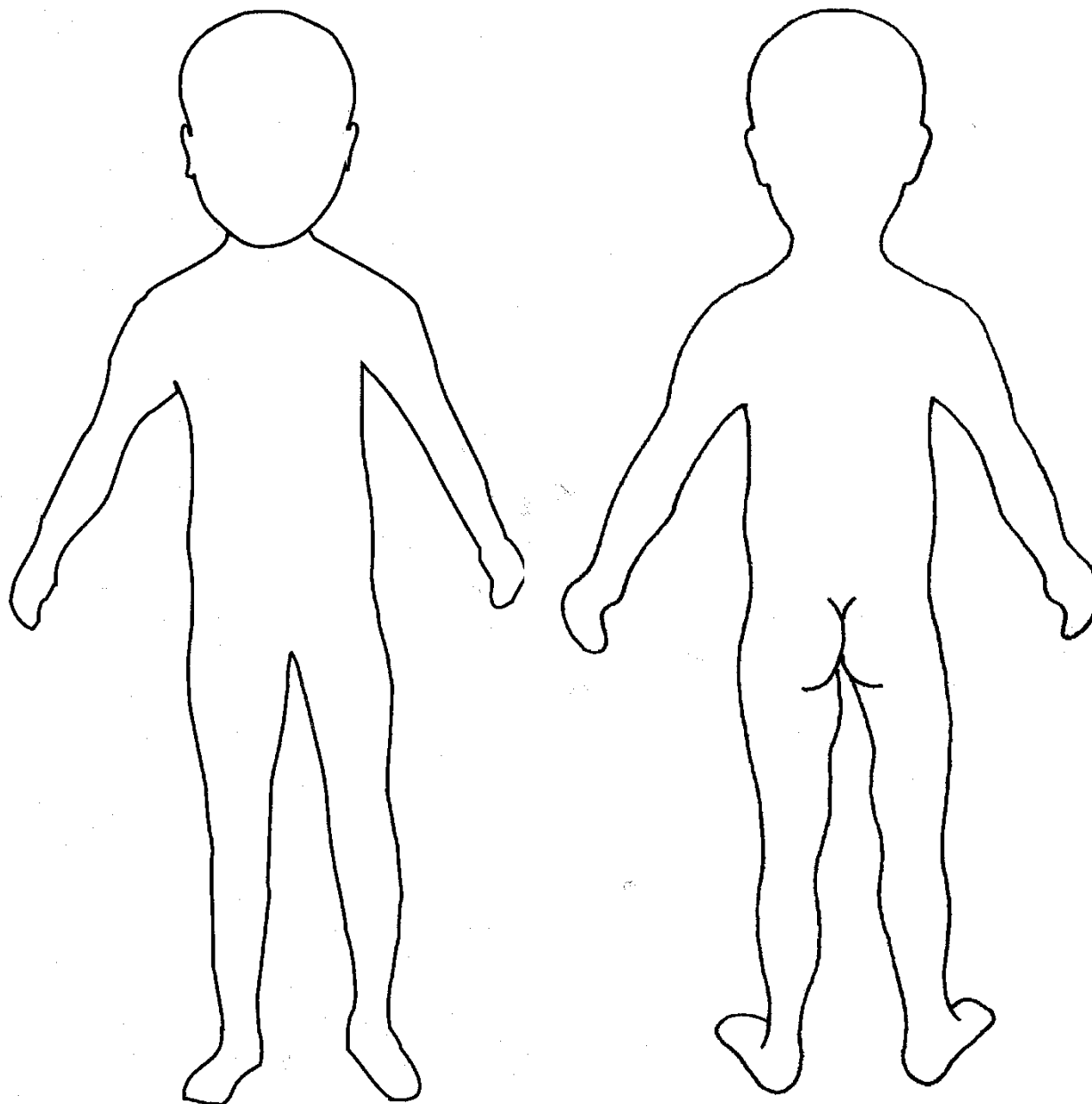
**BODYMAP**

**(This must be completed at time of observation)**

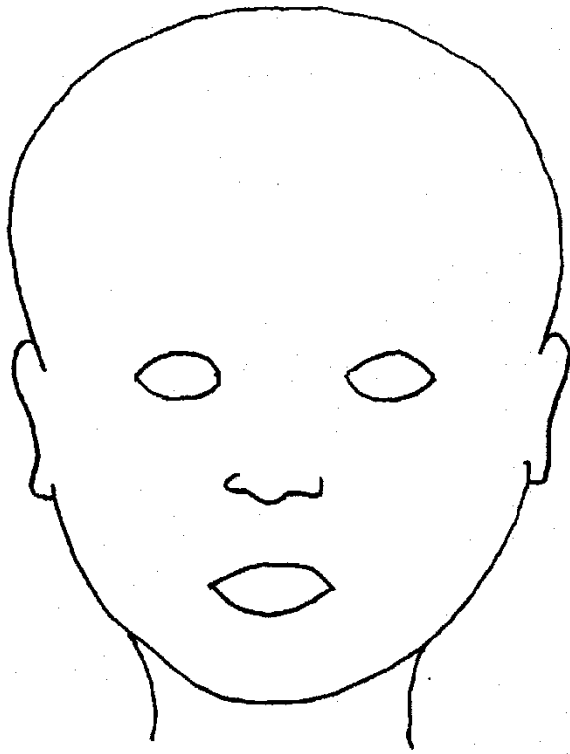
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Name of Worker: \_\_\_\_\_ Agency: \_\_\_\_\_

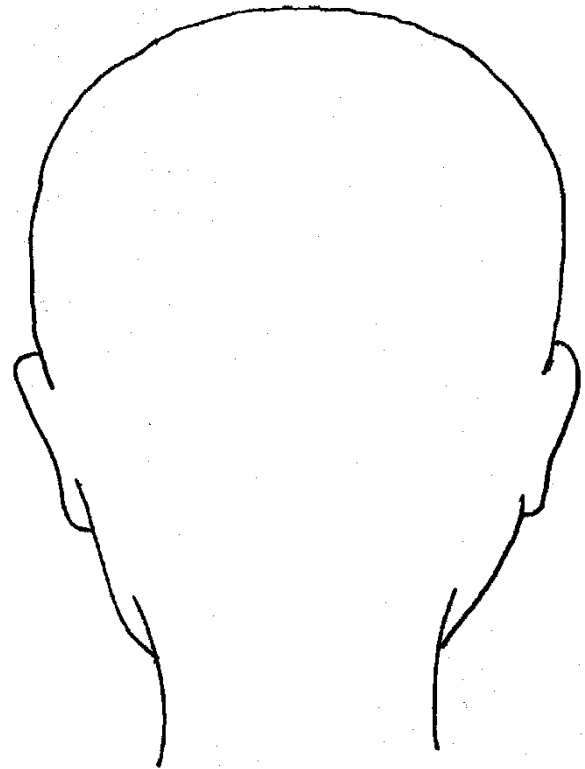
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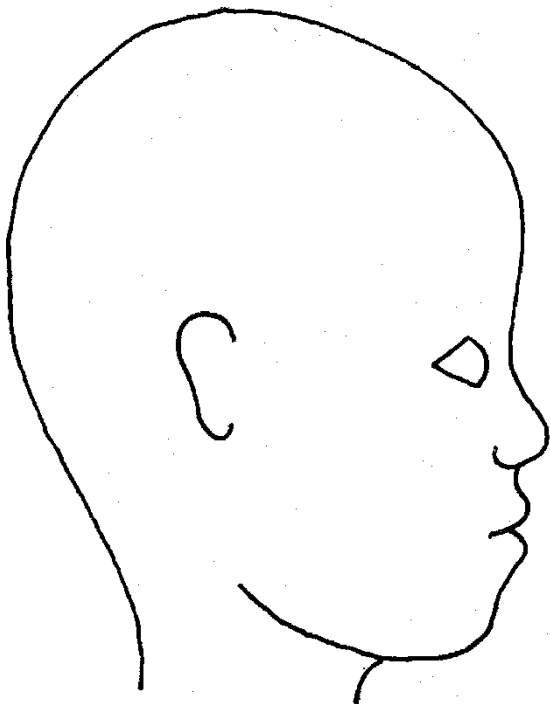
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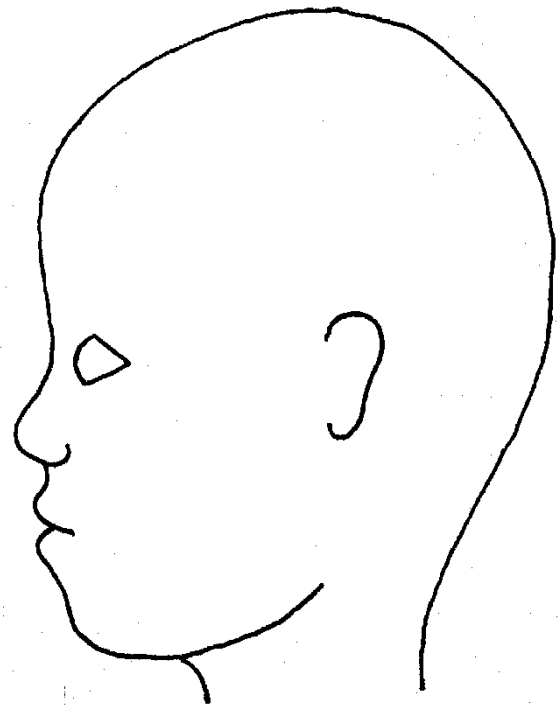
FRONT



BACK

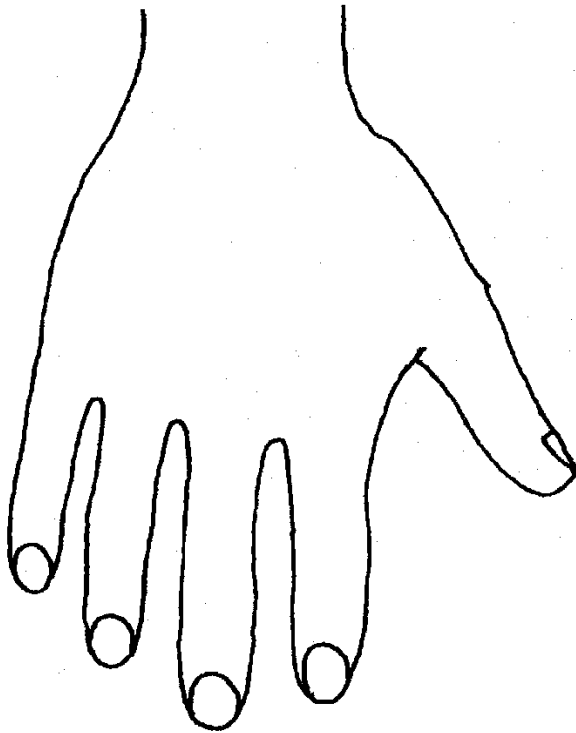


RIGHT

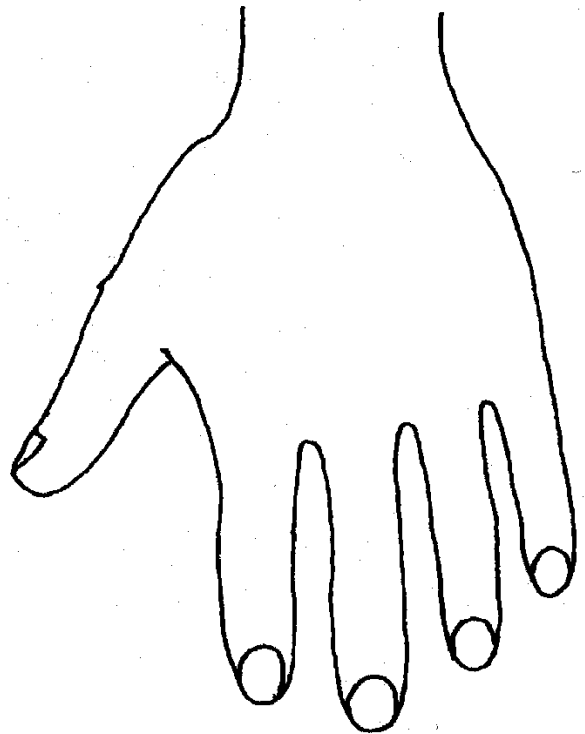


LEFT

Name of Child: \_\_\_\_\_ Date of observation: \_\_\_\_\_



R

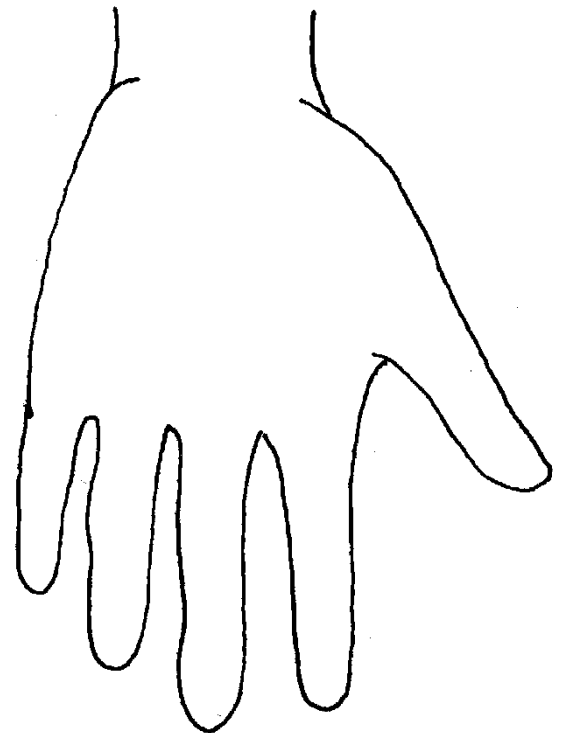


L

**BACK**



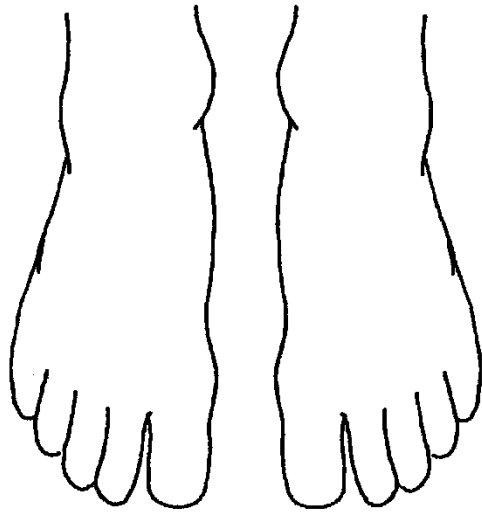
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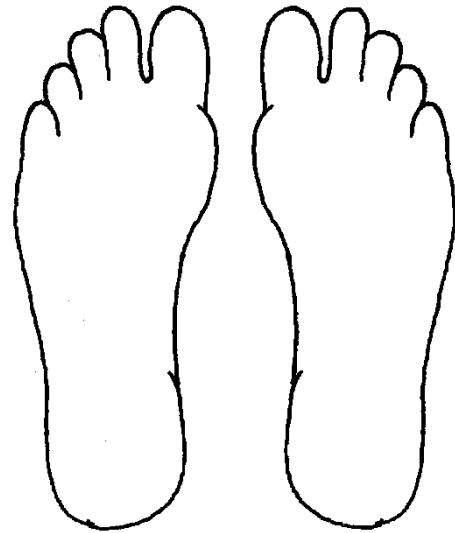
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**PALM**

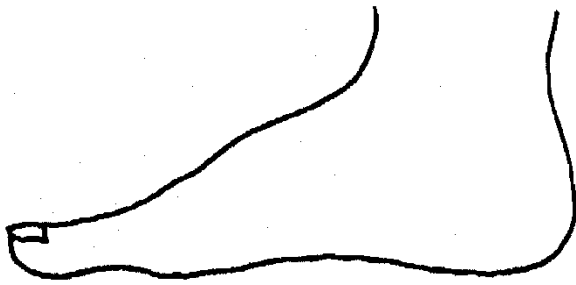
Name of Child: \_\_\_\_\_ Date of observation: \_\_\_\_\_



R TOP L



R BOTTOM L



R

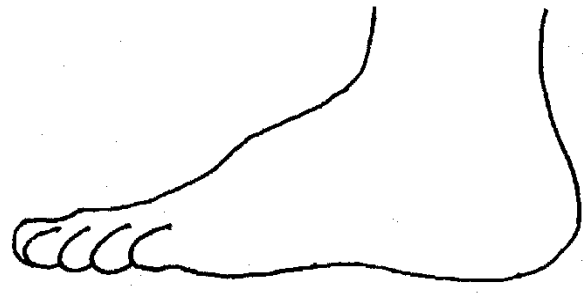


L

INNER



R



L

OUTER

Printed Name and  
Signature of worker:

Date:

Time:

Role of Worker

Other information:

## Body Map Guidance

Medical assistance should be sought where appropriate.

Body Maps should be used to document and illustrate visible signs of harm and physical injuries.

Always use a black pen (never a pencil) and do not use correction fluid or any other eraser.

Do not remove clothing for the purpose of the examination unless the injury site is freely available because of treatment.

\*At no time should an individual teacher/member of staff or school be asked to or consider taking photographic evidence of any injuries or marks to a child's person, this type of behaviour could lead to the staff member being taken into managing allegations procedures, the body map below should be used in accordance with recording guidance. Any concerns should be reported and recorded without delay to the appropriate safeguarding services, eg MARF (Nottingham) MASH (Nottinghamshire) or the child's social worker if already an open case to social care.

When you notice an injury to a child, try to record the following information in respect of each mark identified eg red areas, swelling, bruising, cuts, lacerations and wounds, scalds and burns:

- Exact site of injury on the body, eg upper outer arm/left cheek.
- Size of injury - in appropriate centimetres or inches.
- Approximate shape of injury, eg round/square or straight line.
- Colour of injury - if more than one colour, say so.
- Is the skin broken?
- Is there any swelling at the site of the injury, or elsewhere?
- Is there a scab/any blistering/any bleeding?
- Is the injury clean or is there grit/fluff etc?
- Is mobility restricted as a result of the injury?
- Does the site of the injury feel hot?
- Does the child feel hot?
- Does the child feel pain?
- Has the child's body shape changed/are they holding themselves differently?

Importantly the date and time of the recording must be stated as well as the name and designation of the person making the record. Add any further comments as required.

### Ensure First Aid is provided where required and record

A copy of the body map should be kept on the child's concern/confidential file.

| <b>Indicators of sexual abuse</b><br><b>Physical indicators</b>   | <b>Behavioural indicators</b>   |
|---|---|
| <ul style="list-style-type: none"><li>• Awkwardness in walking/sitting</li><li>• Pain</li><li>• Bruising, scratching, bites on the inner thighs</li></ul> | <ul style="list-style-type: none"><li>• Sexually proactive behaviour or knowledge that is incompatible with the child's age and understanding</li></ul> |

|  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Self-harm</li> <li>• Eating disorders</li> <li>• Enuresis/encopresis</li> <li>• Sudden weight loss or gain</li> </ul> | <ul style="list-style-type: none"> <li>• Drawings and or written work that is sexually explicit</li> <li>• Self-harm/Suicide attempts</li> <li>• Running away</li> <li>• Substance abuse</li> <li>• Significant devaluing of self</li> <li>• Loss of concentration</li> </ul> |
|--|---|

### 3 Specific safeguarding issues

3.1 Staff members in the Trust and its academies need to be aware of specific safeguarding issues and be alert to any risks.

3.2 The government website, GOV.UK, has broad government guidance on a variety of issues. The following is not a comprehensive list and staff members should search the GOV.UK website and the *Nottingham/Shire Procedures* for advice on other issues.

- child sexual exploitation (CSE)
- bullying including cyberbullying
- domestic violence
- drugs
- fabricated or induced illness
- faith abuse
- female genital mutilation (FGM)
- forced marriage
- gangs and youth violence
- gender-based violence/violence against women and girls (VAWG)
- mental health
- private fostering
- preventing radicalisation and the Prevent duty
- sexting
- teenage relationship abuse
- trafficking

#### 3.3 Further information on Child Sexual Exploitation

3.3.1 Child sexual exploitation (CSE) involves exploitative situations, contexts and relationships where young people receive something (for example food, accommodation, drugs, alcohol, gifts, money or in some cases simply affection) as a result of engaging in sexual activities. Sexual exploitation can take many forms ranging from the seemingly 'consensual' relationship where sex is exchanged for affection or gifts, to serious organised crime by gangs and groups. What marks out exploitation is an imbalance of power in the relationship. The perpetrator always holds some kind of power over the victim which increases as the exploitative relationship develops. Sexual exploitation involves varying degrees of coercion, intimidation or enticement, including unwanted pressure from peers to have sex, sexual bullying including cyberbullying and grooming. However, it also important to recognise that some young people who are being sexually exploited do not exhibit any external signs of this abuse.



3.3.2 Teachers and academy staff are more likely to see victims on a regular basis than almost any other professional. They will notice recurrent or prolonged absences and significant changes in behaviour, which enabling patterns to be identified. They are key to identifying children at risk and raise concerns at an early stage, to potentially halt the grooming process before sexual exploitation has begun. Teachers will highlight concerns about missing children as they may be at risk of child sexual exploitation.

3.3.3 Due to the nature of the grooming methods used by their abusers, it is very common for children and young people who are sexually exploited not to recognise that they are being abused. Practitioners should be aware that young people particularly aged 17 and 18 may believe themselves to be acting voluntarily and will need practitioners to work with them so they can recognise that they are being sexually exploited.

3.3.4 As much as possible it is important that the young person is involved in decisions that are made about them.

3.3.5 Helpful information:

- Link to Nottingham/shire Child Sexual Exploitation procedures:
- Link to DfE 'What to do if you suspect a child is being sexually abused': This should be read in conjunction with statutory guidance: <https://www.gov.uk/government/publications/what-to-do-if-you-suspect-a-child-is-being-sexually-exploited>
- Link to DfE Statutory Guidance outlining how organisations and individuals should work together to protect young people from sexual exploitation: <https://www.gov.uk/government/publications/safeguarding-children-and-young-people-from-sexual-exploitation-supplementary-guidance>

### 3.4 Further information on Female Genital Mutilation

3.4.1 Female Genital Mutilation (FGM): professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a girl being at risk of FGM, or already having suffered FGM. There is a range of potential indicators that a child or young person may be at risk of FGM, which individually may not indicate risk but if there are two or more indicators present this could signal a risk to the child or young person. Victims of FGM are likely to come from a community that is known to practise FGM. Professionals should note that girls at risk of FGM may not yet be aware of the practice or that it may be conducted on them, so sensitivity should always be shown when approaching the subject.

3.4.2 Staff should activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with police and children's social care.

3.4.3 Warning signs that FGM may be about to take place, or may have already taken place, can be found on pages 16-17 of the DfE Multi-Agency Practice Guidelines for Female-Genital-Mutilation (June 2014): <https://www.gov.uk/government/publications/female-genital-mutilation-guidelines>.

3.4.4 Chapter 9 (page 42) of the The DfE Multi-Agency Practice Guidelines, provide guidelines for school, colleges and universities sets out how staff can make a difference: *'Girls who are threatened with, or who have undergone FGM may withdraw from education, restricting their educational and personal development. They may feel unable to go against the wishes of their parents and consequently may suffer emotionally. Staff may become aware of a student because she appears*

*anxious, depressed and emotionally withdrawn. They may be presented with a sudden decline in her performance, aspirations or motivation. There may be occasions when a student comes to school or college but then absents herself from lessons, possibly spending prolonged periods in the bathroom. Students who fear they may be at risk of FGM can often come to the attention of, or turn to, a teacher, lecturer or other member of staff before seeking help from the police or social services. Sometimes the student's friends report it to staff. Teachers, lecturers and other members of staff are in an ideal position to identify and respond to a victim's needs at an early stage.*

### 3.5 Further information on Preventing Radicalisation

3.5.1 The Counter-Terrorism and Security Act, which received Royal Assent on 12 February 2015, places a duty on specified authorities, including local authorities and childcare, education and other children's services providers, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism ("the Prevent duty"). This guidance will be updated further to reflect the implications of the Prevent duty, which is expected to come into force later in 2015.

3.5.2 The Counter-Terrorism and Security Act 2015 also places a duty on local authorities to ensure Channel panels are in place. The panel must include the local authority and chief officer of the local police. Panels will assess the extent to which identified individuals are vulnerable to being drawn into terrorism, following a referral from the police and where considered appropriate and necessary consent is obtained, arrange for support to be provided to those individuals. The Act requires partners of Channel panels to co-operate with the panel in the carrying out of its functions and with the police in undertaking the initial assessment as to whether a referral is appropriate.

3.5.3 Schools and colleges, including academies, which are required to have regard to Keeping Children Safe in Education, are listed in the Act as partners of the panel.

3.5.4 'Channel' is the name for the process of referring a person for early intervention and support, including:

- identifying people at risk of being drawn into terrorism
- assessing the nature and extent of that risk, and
- developing the most appropriate support plan for the people concerned.

3.5.5 The Channel process is about safeguarding children, young people and adults from being drawn into committing terrorist-related activity. It is about early intervention to protect and divert people away from risk before a crime occurs.

3.5.6 A short online general awareness course is available here:  
[http://course.ncalt.com/Channel\\_General\\_Awareness/01/index.html](http://course.ncalt.com/Channel_General_Awareness/01/index.html)

3.5.7 Helpful information:

- The Department for education has published The Prevent duty: Departmental advice for schools and childcare providers at: <https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty>

### 3.6 Self-harm and suicidal behaviour

3.6.1 Self harm, self-mutilation, eating disorders, suicide threats and gestures by a child must always be taken seriously and may be indicative of a serious mental or emotional disturbance.

#### 4 Recognition – what to look for

4.1 Staff members should refer to the detailed information about the categories of abuse and risk indicators in the Nottingham/shire Child Protection and Safeguarding Procedures for further guidance.

4.2 In an abusive relationship, the child may:

- appear frightened of their parent(s)
- act in a way that is inappropriate to their age and development, although full account needs to be taken of different patterns of development and different ethnic groups

4.3 In an abusive relationship, the parent or carer may:

- persistently avoid child health services and treatment of the child's illnesses
- have unrealistic expectations of the child
- frequently complain about or to the child and fail to provide attention or praise
- be absent
- be misusing substances
- persistently refuse to allow access on home visits by professionals
- be involved in domestic violence and abuse
- be socially isolated

4.4 Serious case reviews have found that parental substance misuse, domestic abuse and mental health problems, sometimes referred to as the 'toxic trio', if they coexist in a family could mean significant risks to children. Problems can be compounded by poverty; frequent house moves or eviction.

#### 5 Allegations of abuse made against other children

5.1 Each academy in the Trust believes that all children have a right to attend school and learn in a safe environment. Children should be free from harm by adults in the school and other pupils. The academy recognises that some pupils/students will sometimes negatively affect the learning and wellbeing of others and their behaviour will be dealt with under the academy's Behaviour Policy.

##### 5.2 Safeguarding allegations

5.2.1 Occasionally, allegations may be made against pupils by others in the academy, which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse and sexual exploitation. It is likely that to be considered a safeguarding allegation against a pupil/student, some of the following features will be found.

5.2.2 The allegation:

- is made against an older pupil/student and refers to their behaviour towards a younger pupil/student or a more vulnerable pupil/student
- is of a serious nature, possibly including a criminal offence
- raises risk factors for other pupils/students in the academy
- indicates that other pupils/students may have been affected by this pupil/student
- indicates that young people outside the academy may be affected by this pupil/student

5.3 Examples of safeguarding issues against a pupil/student could include:

*Physical Abuse*

- violence, particularly pre-planned
- forcing others to use drugs or alcohol

*Emotional Abuse*

- blackmail or extortion
- threats and intimidation

*Sexual Abuse*

- indecent exposure, indecent touching or serious sexual assaults
- forcing others to watch pornography or take part in sexting

*Sexual Exploitation*

- encouraging other children to attend inappropriate parties
- photographing or videoing other children performing indecent acts

In areas where gangs are prevalent, older pupils may attempt to recruit younger pupils using any or all of the above methods. Young people suffering from sexual exploitation themselves may be forced to recruit other young people under threat of violence.

*5.4 Minimising the risk of safeguarding concerns towards pupils/students from other pupils/students*

5.4.1 On occasion, some pupils/students will present a safeguarding risk to other pupils/students. The academy should be informed that the young person raises safeguarding concerns, for example, they are coming back into academy following a period in custody or they have experienced serious abuse themselves.

5.4.2 These pupils/students will need an individual risk management plan to ensure that other pupils/students are kept safe and they themselves are not laid open to malicious allegations. There is a need to balance the tension between privacy and safeguarding.

*5.5 What to do*

- (i) When an allegation is made by a pupil/student against another pupil/student, members of staff should consider whether the complaint raises a safeguarding concern. If there is a safeguarding concern the Designated Safeguarding Lead should be informed.
- (ii) A factual record should be made of the allegation, but no attempt at this stage should be made to investigate the circumstances.
- (iii) The Designated Safeguarding Lead should contact the Duty and Assessment Team to discuss the case. It is possible that Children's Social Care is already aware of safeguarding concerns around this young person. The Designated Safeguarding Lead will follow through the outcomes of the discussion and make a statement of referral where appropriate.
- (iv) The Designated Safeguarding Lead will make a record of the concern, the discussion and any outcome and keep a copy in the files of both pupils'/students' files.
- (v) If the allegation indicates a potential criminal offence has taken place, the police should be contacted at the earliest opportunity and parents informed (of both the pupil/student being complained about and the alleged victim).

- (vi) Where neither Children’s Social Care nor the police accept the complaint, a thorough academy investigation should take place into the matter using the academy’s usual disciplinary procedures.
- (vii) In situations where the academy considers a safeguarding risk is present, a risk assessment should be prepared along with a preventative, supervision plan.
- (viii) The plan should be monitored and a date set for a follow-up evaluation with everyone concerned.

**7 What action to take if you have concerns about a child**

| Staff Member  | What actions to take if you have concerns  |
|---|--|
| Any member of staff, director, member of local governing body, volunteer, contractor or activity provider | <p>1. Discuss your concerns with the Designated Safeguarding Lead for your academy (see <b>Appendix 1</b>) or in their absence, with the Deputy Designated Safeguarding Lead, <b>as soon as possible, before the child leaves for the day</b>. It is important that the child is not sent home at the end of the day without taking the right protective action.</p> <p>2. Complete the <b>child protection incident/welfare concern form</b> and pass it to the Designated Safeguarding Lead. The information regarding the concerns must be recorded on the same day. The recording must be a clear, precise, factual account of the observations. Do not add comments or opinion although observations about a child’s demeanour or emotional state may be recorded.</p> <p>3. If the Designated Safeguarding Lead or their deputy is not available, or if there is a risk of immediate serious harm to a child, you should contact the Children’s Social Care Duty and Assessment Team yourself for a consultation about the action you need to take. Inform the Designated Safeguarding Lead about your consultation and what actions you have taken.</p> |
| Designated Safeguarding Lead.   | <p><b>1. if you are concerned that a child is at risk of significant harm then refer immediately to social care.</b></p> <p>1.1. Contact the relevant duty team.</p> <p>1.2 if you believe that the child is in immediate danger, or you suspect a crime has been committed you must also contact the police immediately.</p> <p>1.3 If the duty Team accepts your contact as a referral. Send them a completed statement of referral within 24 hours.</p> <p>1.4 Record all discussions and decision making on the child protection incident/welfare concern form sent by the staff member who contacted you originally. Add it and a statement of referral to the child’s file. If the child does not have a standalone child protection file, you will need to create one. Update the chronology. Continue to update the child’s file and chronology as the investigation and the resulting work carries on.</p>  |
|   | <p><b>2. You believe the child is not at risk of significant harm but the child or their family might need support.</b></p> <p>2.1. Discuss your concern with senior colleagues in another agency if necessary.</p>  |

|  |  |
|--|--|
|  | <p>2.2 Contact the duty team for a consultation without necessarily identifying the child in question, in order to develop and understanding of the child's needs and circumstances.</p> <p>2.3 If the duty Team accepts your contact as a referral. Send them a completed statement of referral within 24 hours.</p> <p>2.4 If the consultation results in a decision that the family are in need of help provide additional support in the academy and/or refer the child or their family to other agencies providing <b>early help services</b>.</p> <p>2.5 Record all discussions and decision making on the child protection incident/welfare concern form sent by the staff member who contacted you originally. Update the chronology and add referral letters and forms to the child's file; create a stand-alone file if one does not exist. Continue to update the child's file and chronology as work progresses.</p> |
|--|--|

## 7 Dealing with a disclosure made by a child: advice for all members of staff

7.1 If a child discloses that he or she has been abused in some way, the member of staff or volunteer should follow this guidance.

- Listen to what is being said without displaying shock or disbelief
- Only ask questions when necessary to clarify
- Use open questions such as "Is there anything else you want to tell me?" or "yes?" or "and?"
- Accept what is being said
- Allow the child to talk freely – do not put words in the child's mouth
- Stay calm, the pace should be dictated by the child without them being pressed for detail by asking leading questions such as "did x touch you there?" It is the staff member's role to listen - not to investigate.
- Reassure the child that what has happened is not his or her fault
- Do not promise confidentiality – it may be necessary to refer the child to Children's Social Care.
- Reassure the child that they have done the right thing, explain whom you will have to tell (the designated lead) and why; and, depending on the child's age, what the next stage will be. It is important that you avoid making promises that you cannot keep such as "I'll stay with you all the time." or "It will be all right now."
- Be careful not to burden the child with guilt by asking questions like "Why didn't you tell me before?" but you could ask 'Have you spoken to anyone else about this?'
- Acknowledge how hard it was for the child to tell you.
- Do not criticise the alleged perpetrator; the child might have a relationship with them.

7.2 Inform the Designated Safeguarding Lead without delay.

7.3 Complete the child protection incident/welfare concern form and pass it to the Designated Safeguarding Lead.

7.4 When recording information:

- Make some brief notes at the time or immediately afterwards; record the date, time, place and context of disclosure or concern. Record facts and what is said but not your assumption or interpretation.
- If it is observation of bruising or an injury try to record detail, e.g. "right arm above elbow". Do not take photographs.
- Note the non-verbal behaviour and the key words in the language used by the child (try not to translate into 'proper terms').

- It is important to keep these original notes and pass them on to the designated member of staff who may ask you to write a referral.

7.5 Dealing with a disclosure from a child and safeguarding issues can be stressful. Consider seeking support for yourself and discuss this with the Designated Safeguarding Lead.

## **8 Discussing concerns with the family and the child: advice for the Designated Safeguarding Lead**

8.1 In general, you should always discuss any concerns the academy may have with the child's parents. They need to know that you are worried about their child. However, you should not discuss your concerns if you believe that this would place the child at greater risk or lead to loss of evidence for a police investigation.

8.2 If you make a decision not to discuss your concerns with the child's parents or carers this must be recorded in the child's child protection file with a full explanation for your decision.

8.3 It is important to consider the child's wishes and feelings, if age appropriate, as part of planning what action to take in relation to concerns about their welfare.

8.4 When talking to children, you should take account of their age, understanding and preferred language, which may not be English. It is also important to consider how a disabled child may need support in communicating.

8.5 How you talk to a child will also depend on the substance and seriousness of the concerns. You may need to seek advice from Children's Social Care or the police to ensure that neither the safety of the child nor any subsequent investigation is jeopardised.

8.6 If concerns have arisen as a result of information given by a child, it is important to reassure the child but not to promise confidentiality.

8.7 It is expected that you discuss your concerns with the parents and seek their agreement to making a referral to Children's Social Care, unless you consider that this would place the child at increased risk of significant harm.

8.8 You do not need the parents' consent to make a referral if you consider the child is in need of protection, although parents will ultimately be made aware of which organisation made the referral.

8.9 If parents refuse to give consent to a referral but you decide to continue, you need to make this clear to Children's Social Care.

8.10 If you decide to refer the child without the parents' consent, make sure to record this with a full explanation of your decision.

8.11 When you make your referral, you should agree with Children's Social Care what the child and parents will be told, by whom and when.

## **9 Early help for children and families**

- 9.1 Most parents can look after their children without the need of help other than from their family or friends. However, some parents may need additional help from their child's or other services such as the NHS. Providing help early is more effective in promoting the welfare of children than reacting later.
- 9.2 We will work together with other agencies to provide a coordinated offer of early help, in line with Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE September 2016 and local guidance, to any child who needs it.
- 9.3 We will pool the knowledge within the academy with other agencies about which families or children need additional support in a range of ways so that we can work out how best to help them.

## **10 Children's Social Care-Led responses to concerns about a child**

- 10.1 Once Children's Social Care has accepted our referral as needing a social-care-led response a senior social work practitioner and their manager will evaluate the concerns to identify the sources and levels of risk and to agree what protective action may be necessary.
- 10.2 The evaluation of concerns and risks involve deciding whether:
- the child needs immediate protection and urgent action is necessary; or
  - the child is suffering, or at risk of suffering, significant harm and enquiries need to be made under section 47 of the Children Act 1989; or
  - the child is in need and should be assessed under section 17 of the Children Act 1989.
- 10.3 We will cooperate with Children's Social Care and the police in any emergency action they take using their legal powers for immediate protection of the child. This may involve removing the child from their home.
- 10.4 We will participate in any multi-agency discussions (strategy discussions), if invited to do so, and share information about the child and their family to plan the response to concerns.
- 10.5 We will share information about the child and their family for section 47 enquiries and family assessments undertaken by Children's Social Care
- 10.6 We will ensure that a relevant staff member participates in all initial and review child protection conferences, if we are invited to attend. The staff member will work together with other agencies to discuss the need for and agree to an outcome-focused child protection plan and will ensure that the child's wishes and views are considered in their own right in planning.
- 10.7 If we are members of the core group to implement a child protection plan, we will ensure a relevant staff member participates in all core group meetings.
- 10.8 We will ensure that we complete all actions allocated to us as part of the outcome-focused plan, whether a child protection plan or a family support plan, in a timely way.
- 10.9 We will continue to monitor children once their plans are ended to ensure that they are supported and kept safe.



## **11 Information sharing and consent**

- 11.1 It is essential that people working with children can confidently share information as part of their day-to-day work. This is necessary not only to safeguard and protect children from harm but also to work together to support families to improve outcomes for all.
- 11.2 The Trust and its academies may have to share information about parents or carers, such as their medical history, disability or substance misuse issues, for investigations of child abuse carried out by Children's Social Care.
- 11.3 We will proactively seek out information as well as sharing it. This means checking with other professionals whether they have information that helps us to be as well informed as possible when working to support children.
- 11.4 The Data Protection Act 1998 is not a barrier to sharing information. It is there to ensure that personal information is managed in a sensible way and that a balance is struck between a person's privacy and public protection.
- 11.5 We should be sharing any concerns we have with parents at an early stage, unless this would put a child at greater risk or compromise an investigation. Parents need to know what our responsibilities are for safeguarding and protecting children and that this involves sharing information about them with other professionals.
- 11.5 We should be sharing any concerns we have with parents at an early stage, unless this would put a child at greater risk or compromise an investigation. Parents need to know what our responsibilities are for safeguarding and protecting children and that this involves sharing information about them with other professionals.
- 11.6 We will be clear about the purpose of sharing confidential information and only share as much as we need to achieve our purpose.
- 11.7 We will try to get consent from parents (or the child, if they have sufficient understanding to share information, if possible). However, we do not need consent if we have serious concerns about a child's safety and well-being. If we decide to share information without consent, we will record this with a full explanation of our decision.
- 11.8 Consent should not be sought from parents or carers (or the child, if they have sufficient understanding), if:
- it would place a child at increased risk of harm; or
  - it would place an adult at risk of serious harm; or
  - it would prejudice a criminal investigation; or
  - it would lead to unjustified delay in making enquiries about allegations of significant harm to a child; or
  - required by law or a court order to share information.
- 11.9 **Consent is not necessary** in cases where Children's Social Care are making child protection enquiries under section 47 of the Children Act 1989. Information needs to be shared with Children's Social Care; staff members must make sure to record what information has been shared.

**11.10 Consent is necessary, for:**

- Children's Social Care investigations or assessments of concerns under section 17 of the Children Act 1989. Children's Social Care will assume that we have obtained consent from the parents to share information unless we make them aware that there is a specific issue about consent. This must be discussed with a social worker in the Duty and Assessment Team.
- Early help assessments. Assessments are undertaken with the agreement of the child and their parents or carers.

11.11 If we are in any doubt about the need for seeking consent, we will get advice from the Designated Safeguarding Lead or from the Children's Social Care Duty Team.

11.12 We will keep a record of our decision to share information, with or without consent, and the reasons for it. It is just as important to keep a record of why we decided not to share information as why we did so.

**12 Record keeping**

12.1 Good record keeping is an important part of the Trust and its academies' accountabilities to children and their families and will help us in meeting our key responsibility to respond appropriately to welfare concerns about children.

12.2 Records should be factual, accurate, relevant, up to date and auditable. They should support monitoring, risk assessment and planning for children and enable informed and timely decisions about appropriate action to take.

12.3 All staff members, directors, members of Local Governing Bodies, volunteers, contractors and activity providers should ensure that they record and report safeguarding concerns in line with guidance from the local Safeguarding Children Boards.

12.4 The Designated Safeguarding Lead will ensure that records are maintained appropriately for children with safeguarding concerns and that stand alone files are created and maintained in line with requirements of the above guidance.

**13 Professional challenge and disagreements**

13.1 Working with children and families, and in particular child protection work, is stressful and complex, as well as involving uncertainty and strong feelings. To ensure that the best decisions are made for children, we need to be able to challenge one another's practice.

13.2 We will promote a culture within each academy in the Trust that enables all staff members to raise, without fear of repercussions, any concerns they may have about the management of child protection in their academy. This may include raising concerns about decisions, action and inaction by colleagues about individual children. If necessary, staff members will speak with the Designated Safeguarding Lead, the Principal, and the Chair of Board of Directors or with the Local Authority Designated Officer.

13.3 Cooperation across agencies is crucial; professionals need to work together, using their skills and experience, to make a robust contribution to safeguarding children and promoting their welfare within the framework of discussions, meetings, conferences and case management.

- 13.4 If there are any professional disagreements with practitioners from other agencies, the Designated Safeguarding Lead or the Principal will raise concerns with the relevant agency's safeguarding lead.
- 13.5 If the academy disagrees with the child protection conference chair's decision, the Designated Safeguarding Lead or the Principal will consider whether they wish to challenge it further and raise the matter with Children's Services Head of Safeguarding.

#### 14 Safer recruitment

- 14.1 The Trust has robust recruitment and vetting procedures to help prevent unsuitable people from working with children.
- 14.2 Our job advertisements and application packs make explicit reference to the Trust's/academy's commitment to safeguarding children, including compliance with disclosure and barring regulations and clear statements in the job description and person specification about the staff member's safeguarding responsibilities.
- 14.3 All staff members who have contact with children, young people and families will have appropriate pre-employment checks in line with *Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE September 2016* and the *Disqualification under the Childcare Act 2006: DfE Statutory Guidance for Schools about the Employment of Staff Disqualified from Childcare, February 2015*.
- 14.4 At least one member on every short listing and interview panel will have completed safer recruitment training. The Head Teacher/Principal is responsible for ensuring that safer recruitment training is kept up to date.
- 14.5 Prior to appointment of members of staff, the Trust ensures<sup>5</sup> that an enhanced criminal record certificate is obtained as well as a check to establish that the individual:
- Is not subject to a prohibition order
  - Is not subject to an interim prohibition order
  - In the case of staff who work in early years' provision or later years' provision (covering children up to the age of 8) does not meet the disqualification requirements specified in the Childcare (Disqualification) Regulations 2009.

This information is recorded in the academy's **single central register**.

- 14.6 The Head Teacher/ Principal and the nominated member of the Local Governing Body for Child Protection are responsible for ensuring that each academy's single central record of pre-employment checks is accurate and up to date.

#### 15 Procedure for managing allegations of abuse made against staff members

- 15.1 The Trust and its academies take seriously all allegations of abuse made against staff members, including volunteers, and will investigate them in line with the statutory guidance, *Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE September 2016* and the *local Child Protection and Safeguarding Procedures*.
- 15.2 The process described below is a summary of the procedure described in the above documents. The case manager for the investigation should refer to them for details.

- 15.3 The procedure applies to all adults working in one of the Trust's academies or providing a service on behalf of an academy to our students either within or outside academy premises, i.e. all permanent, temporary and ancillary staff, directors, **members of** Local Governing Bodies, volunteers, contractors and external service or activity providers (collectively referred to as staff or staff members in this procedure).
- 15.4 The allegations management procedure will be used in all cases where it is alleged that a staff member, has:
- behaved in a way that has harmed a child, or may have harmed a child; or
  - possibly committed a criminal offence against or related to a child; or
  - behaved towards a child or children in a way that indicates that they would pose a risk of harm if they work regularly or closely with children.
- 15.5 Allegations may arise in a number of ways, for example a report from a child, a complaint from a parent, or a concern raised by another adult within the academy. An allegation may concern someone's behaviour or actions within their job or a voluntary activity, or within their family or private life.
- 15.6 Any concerns will be considered in the context of the four types of abuse (see section 2 above).
- 15.7 Concerns include inappropriate relationships between adults and children. For example:
- a sexual relationship between a child under 18 and an adult in a position of trust with them, even if the relationship may appear to be consensual;
  - grooming, i.e. meeting a child under 16 with intent to commit a relevant offence (section 15 of the Sexual Offences Act 2003); or
  - other behaviour that gives rise to concerns, such as possession of abusive images of children or inappropriate contact through texts or online, inappropriate messages, gifts or socialising with children.
- 15.8 If an allegation or concern arises about a staff member outside of their work with children, and this may present a risk to children for whom the staff member is responsible, the general principles outlined in these procedures will still apply.
- 15.9 The procedures also apply regardless of whether the academy 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.

#### **15.10 Roles and responsibilities:**

Anyone who has concerns about, or has received an allegation about, the behaviour of a staff member needs to report the concerns immediately to the Head Teacher/Principal

In the absence of the Head Teacher/Principal, concerns must be reported to another senior leader in the Trust (another Head Teacher/Principal or a member of the Trust's senior management team). If the Head Teacher/Principal is the subject of the allegation, concerns must be reported to the chair of the Trust's Board of Directors. If the Head Teacher/Principal or alternative senior leader / chair of the Board of Directors are absent, the allegation needs to be reported to the Local Authority Designated Officer (LADO).

The Head Teacher/Principal will act as the case manager for investigations of allegations about members of academy staff and will liaise with the LADO.

The Chief Executive will act as the case manager for investigations of allegations about members of Trust staff and will liaise with the LADO.

The Chair of the Board of Directors will act as the case manager, if the allegation is made against an academy Head Teacher/Principal or the Chief Executive and will liaise with the LADO.

The case manager may nominate an individual(s) to review/investigate the allegation on his/her behalf. Where the Principal is the case manager, they may nominate a Principal from another academy in the Trust. Where the Chief Executive or Chair of the Board of Directors is the case manager, they may nominate a Director or the Chair of the Academy's Local Governing Body.

The LADO is involved in the overall management and oversight of individual cases. They will provide advice and guidance to the case manager, liaise with the police and other agencies and monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

**15.11 Initial action by the person noticing concerns or receiving an allegation first:**

- Treat the matter seriously and keep an open mind
- Do not make assumptions or offer alternative explanations
- Do not investigate or ask leading questions, if seeking clarification
- Do not promise confidentiality, but give assurance that the information will only be shared on a need-to-know basis
- Act quickly
- Make a written record of the information. Where possible, record the exact words of the person making the allegation or the child's own words
- Record the time, date and place and names of people present when the allegation was made or concerning behaviour was observed. Record the time, date and place of alleged incidents, persons present and what was said, if these were mentioned by the person making the allegation
- Sign and date the written record
- Immediately report the matter to the Principal, Chief Executive, Chair of the Local Governing Body or Chair of the Board of Directors, as in 15.9 above and give them the written record

**15.12 Initial response by the case manager:**

**Do not investigate the matter immediately or interview the staff member or the child concerned**

- Obtain written details of the concern or allegation, signed and dated by the person reporting it. Countersign and date the written details and record the decisions made and the reasons for those decisions
- Contact the LADO immediately to report the allegation and for a consultation. The allegation must be reported within one day at the most
- If the allegation requires immediate attention but is received out of hours, contact the Children's Services Emergency Duty Team or the police and inform the LADO as soon as possible
- Refer allegations against a staff member who is no longer working in the academy or Trust to the police in the first instance and then inform the LADO

### **15.13 Initial consideration of the allegation by the case manager and the LADO:**

- The case manager and the LADO will consider the nature, content and context of the allegation and agree a course of action, including whether further information is needed
- The case manager may need to obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations in the past and the staff member's current contact with children
- If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or likely to suffer significant harm, the LADO will refer the case to Children's Social Care and ask them to convene a strategy discussion
- The LADO will consult the police if a criminal offence may have been committed.
- If the threshold for significant harm is not reached but a police investigation may be needed, the LADO will immediately inform the police
- If an investigation by Children's Social Care or the police is not necessary, the case manager and the LADO will discuss the options open to the academy/Trust depending on the nature of the allegation and the evidence available. This will range from taking no further action to dismissal or a decision not to use the staff member's services in the future
- If the initial evaluation leads to no further action against the staff member concerned, the decision and justification should be recorded by both the case manager and the LADO. Agreement should be reached on what information should be put in writing to the individual and what action should follow, including informing the person who made the allegation originally

### **15.14 Persons to be notified:**

- After consultation with the LADO, the case manager should inform the accused person about the allegation as soon as possible
- However, if a strategy discussion is needed, or the police or Children's Social Care need to be involved, the case manager should not inform the accused person until those agencies have been consulted and have agreed what information can be disclosed to the individual
- In principle, the case manager should inform the parents or carers of the children involved about the allegation. The LADO should be consulted first to ensure that this will not impede any investigation or disciplinary process. In some cases, the parents or carers may need to be informed right away, e.g. if a child is injured and needs medical attention
- The parents or carers and the child, if sufficiently mature, should be helped to understand the process and kept informed about the progress of the case and the outcome if no criminal prosecution will take place

### **15.15 Confidentiality:**

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated. Information should be restricted to only those who need to know in order to protect the children concerned, carry out the investigation and manage the disciplinary process

- The Education Act 2011 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.
- Reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about the investigation or decision from the disciplinary process. Reporting restrictions also cease if the accused person goes public themselves, thereby waiving their right to anonymity

- Breaching reporting restrictions is a criminal offence. Therefore, the case manager should inform the parents or carers concerned about the implications of publishing details of the allegation on social networking sites. They should be advised to seek legal advice, if they wish to apply to court for removal of reporting restrictions
- The case manager should discuss with the LADO how best to manage speculation, leaks and gossip within the school and the community at large, and press interest, if it arises

#### **15.16 Supporting people:**

- The academy/Trust together with Children's Social Care and the police, if they are involved, will consider the impact on the child concerned and provide support as appropriate
- The Principal will ensure that the child and family are kept informed of the progress of the investigation
- The staff member who is the subject of the allegation will be advised to contact their union, professional association or a colleague for support
- The Trust's HR Department will be consulted at the earliest opportunity to ensure that the staff member is provided with appropriate support, if necessary, through occupational health or welfare arrangements
- The case manager will appoint a named representative to keep the staff member updated on the progress of the investigation; this will continue during any police or section 47 investigation or disciplinary investigation. This will normally be a member of the Trust's senior management team or the Academy's Senior Leadership Team.

#### **15.17 Managing risk during the investigation:**

- The perceived level of risk during the investigation needs to be considered and managed. In some situations the level of risk may require the staff member not to be working with specific children or all children in the school until the investigation is completed
- There are several options open to the employer, including:
  - redeployment so as not to come into direct contact with one or more children; or
  - refraining (agreeing that the person will not work with children during the investigation); or
  - suspension
- Refraining and suspension should be considered as neutral acts and should not be automatic. Suspension should be considered only in cases where there is cause to believe children in the academy are at risk of harm or the allegation is so serious that it might be grounds for dismissal
- Decisions about risk are best made in a multi-agency forum such as the strategy discussion. The LADO will canvass the views of the agencies participating and inform the case manager. However, only the employer has the power to refrain or suspend
- Possible risks to the children involved and any children in the accused staff member's home, work or community life will be evaluated and managed

#### **15.18 Review/investigation arrangements and timescales:**

- The case manager/nominee should plan the review carefully, clearly setting out what activities they intend to undertake during the review (e.g. staff to be interviewed, documents to be reviewed etc) prior to the commencement of the review.
- The case manager/nominee should provide an estimate of time for the duration of the review. The case manager/nominee should be available for the duration of the review period.
- Cases will be resolved as quickly as possible, consistent with a thorough and fair investigation

- It is expected that the majority of cases should be resolved within one month and all but the most exceptional cases should be resolved within 12 months
- However, the timing will depend on the nature, seriousness and complexity of the case and the right outcome is far more important than meeting timescales.
- Cases where it is immediately apparent that the allegation is unsubstantiated or malicious should be resolved within one week
- The academy/Trust should discuss the timing of actions with the LADO for all allegations that do not require police involvement but for which there are child protection concerns
- If the nature of the allegation does not require formal disciplinary action, the school should start 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

#### 15.19 Resignations and compromise agreements:

- The allegation will be investigated according to procedure, even if the accused staff member resigns or ceases to provide their **services**
- Every effort will be made to reach a conclusion to the case should the staff member refuse to cooperate, having been given a full opportunity to answer the allegation and make representation
- Although it would not be possible to apply disciplinary sanctions if the period of notice expires before the conclusion of the investigation, the outcome of the disciplinary process will be recorded
- The Trust will not use 'compromise/settlement agreements', for example where the staff member agrees to resign provided that disciplinary action is not taken and that a future reference is agreed

#### 15.20 Outcomes of investigations of allegations:

- **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
- **Unfounded** - the person making the allegation did so in good faith, but had misunderstood or misinterpreted the situation
- **Unsubstantiated** – there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

#### 15.21 Disciplinary or suitability process and investigations:

- The LADO and the case manager will discuss whether disciplinary action is appropriate in all cases where:
  - it is clear at the outset, or decided by a strategy discussion, that a police investigation or section 47 enquiry is not necessary; or
  - the police or the Crown Prosecution Service informs that the criminal investigation and subsequent trial are complete, or that an investigation is to be closed without charge, or prosecution is discontinued
- The discussion will consider any potential misconduct or gross misconduct by the staff member, and take into account:
  - the information provided by the police and Children's Services;
  - the result of any investigation or trial; and
  - the different standards of proof in disciplinary and criminal proceedings



- In the case of supply, contract or volunteer workers, the LADO and the case manager will work with the providing agency in deciding whether to continue using the person's services or whether they can provide future work with children or whether to report them for barring considerations

#### **15.22 Record keeping:**

- The case manager will keep a clear and comprehensive summary of the case record and provide a copy to the accused staff member. A copy of the record should also be given to the LADO
- The record will include details of how the allegation was investigated and resolved and the decisions reached. It will be completed in collaboration with the LADO
- Details of allegations that are found to be malicious will be removed from personnel records
- In the case of all other allegations, the summary will be placed in the staff member's personnel file and kept until the person reaches retirement age or for a period of 10 years from the date of the allegation, if that is longer

#### **15.23 References:**

- If the allegation was proven to be malicious, false or unsubstantiated, it will not be included in any references for the staff member
- A history of repeated concerns or allegations which have all been found to be malicious, false or unsubstantiated will also not be included in any references

#### **15.24 Informing the Disclosure and Barring Service (DBS):**

- The LADO will discuss with the case manager whether the academy/Trust will refer the staff member to the DBS and, in the case of a teacher to the National College for Teaching and Leadership (NCTL), if the allegation is substantiated and the person is dismissed or the academy/Trust ceases to use the person's services, or the person resigns or ceases to provide their services
- It is a legal requirement for schools/academies to refer to the DBS anyone:
  - who has harmed, or is likely to harm, or poses a risk of harm to a child; or
  - if there is reason to believe that they have committed one of a number of listed offences (as set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009), and have been removed from working in paid or unpaid regulated activity or would have been removed had they not left