



# Fierté Multi Academy Trust

2017-2018

## Policy on Safeguarding

Reviewed in line with revised KCSIE document September 2016

At the heart of our Trust are both the UNICEF Rights Respecting values and articles and Learning Behaviours. Through these, we aim to put children's rights at the heart of our schools. We work together to embed children's rights in our ethos and culture; to improve well-being and develop every child's talents and abilities to their full potential. We aspire to give children a sense of pride and achievement in all that they undertake.

### About this policy and guidance

This safeguarding policy contains information on what all members of the Fierté Trust *will* do and sets out the legal duties with which schools and colleges **must** comply in order to keep children safe. It is implemented alongside statutory guidance ***Working together to safeguard children***, and departmental advice ***What to do if you are worried a child is being abused- Advice for practitioners***.

This policy endorses a child centred and coordinated approach to safeguarding within the Trust as schools in the Trust and their staff form part of the wider safeguarding system for children. This system is described in statutory guidance ***Working together to safeguard children***.

The Fierté Trust considers that Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals will make sure their approach is child-centred. This means that they will consider, at all times, what is in the **best interests** of the child.

Fierté Trust believes that no single professional can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, **everyone** who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

Safeguarding and promoting the welfare of children within the Fierté Trust is defined for the purposes of this policy as: *protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.*

## Safeguarding and Promoting the Welfare of Children

The definition for Safeguarding and promoting the welfare of children in Working Together to Safeguard Children 2015 is:

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

### Underpinning values

Where there is a safeguarding issue, Fierté Trust *will* work in accordance with the principles outlined in the Staffordshire Safeguarding Children Board Inter-agency Child Protection procedures:

- A child's welfare is paramount. Each child has a right to be protected from harm and exploitation and to have their welfare safeguarded
- Each child is unique. Action taken by child welfare organisations will be child-centred, taking account of a child's cultural, ethnic and religious background, their gender, their sexual orientation, their individual ability and any special needs
- Children, parents and other carers will be made aware of their responsibilities and their rights, together with advice about the power of professionals to intervene in their family circumstances
- Parents will be advised about Fierté Trust's Safeguarding Policy on the school prospectus and on admission to the school e.g. in 'welcome' meetings. A copy of the Policy is available on the school website
- Individual family members must be involved in decisions affecting them. They must be treated with courtesy and respect and with due regard given to working with them in a spirit of partnership in safeguarding children's welfare. However, it may not be appropriate to advise parents/carers immediately about a referral depending on circumstances and the advice given by Children's Social Care. The welfare of the child is paramount in such situations
- Each child has a right to be consulted about actions taken by others on his/her behalf in an age appropriate way. The concerns of children and their families will be listened to and due consideration given to their understanding, wishes and feelings. However, it may not always be possible to respect a child/carer's request for confidentiality. If a child may be at risk of significant harm, there is a duty on the school to share information with Children's Social Care. This will be explained to the child or family member and appropriate reassurance given.
- Personal information is usually confidential. It will only be shared with the permission of the individual concerned (and/or those with parental responsibility) **unless** the disclosure of confidential personal information is necessary in order to protect a child or promote their welfare. In all circumstances, information must be confined to those people directly involved in the professional network of each individual child and on a strict "need to know" basis
- Professionals will be aware of the effects of outside intervention upon children, upon family life and the impact and implications of what they say and do
- Explanations by professionals to children, their families and other carers will be plainly stated and jargon-free. Unavoidable technical and professional terminology will be explained in simple terms

- Sound professional practice is based upon positive inter-agency collaboration, evidence-based research and effective supervision and evaluation
- Early intervention in providing support services will utilise the Common Assessment Framework Process and if necessary an assessment under Section 17 of the Children Act (1989). This is an important principle of practice in inter-agency arrangements for safeguarding the welfare of children.( see later in the document for advice)

## **Child Protection:**

S47 of the Children Act 1989 says the Local Authority has a statutory duty to investigate when there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm due to the actions or inactions of others. Staff from the Fierté Trust do not investigate whether a child has been abused. This is the duty of Social workers from the Safeguarding team and the police. Education staff will refer reasonable concerns which indicate that a child may be at risk of significant harm.

It is the 'significant harm' threshold that justifies statutory intervention into family life. A professional making a child protection referral under S.47 must therefore provide information which clearly outlines that a child is suffering or likely to suffer significant harm. It is not possible to rely on one absolute criterion when judging what constitutes significant harm. Consideration of the severity of ill-treatment may include the extent of the harm suffered, the context within which it occurred and its duration. Significant harm may also arise from a combination of significant events which are both acute and long standing and which may impair the child's physical, psychological and social development.

In order to both understand and evidence 'significant harm', it is necessary to consider the family context, together with the child's development within their wider social and cultural environment. It is also necessary to consider any special needs, e.g. medical condition, communication difficulties or disability that may affect the child's development and care within the family. The nature of harm, in terms of ill-treatment or failure to provide adequate care also needs consideration alongside the impact on the child's health and development and the adequacy of care provided.

## **Children in the Trust**

Fierté Trust is respectful of children's wishes regarding safeguarding in schools;

Children have said that they need

- Vigilance: to have adults notice when things are troubling them
- Understanding and action: to understand what is happening; to be heard and understood; and to have that understanding acted upon
- Stability: to be able to develop an on-going stable relationship of trust with those helping them
- Respect: to be treated with the expectation that they are competent rather than not
- Information and engagement: to be informed about and involved in procedures, decisions, concerns and plans
- Explanation: to be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response
- Support: to be provided with support in their own right as well as a member of their family
- Advocacy: to be provided with advocacy to assist them in putting forward their views

## **A child-centred approach**

Effective safeguarding systems are child centred. Failings in safeguarding systems are too often the result of losing sight of the needs and views of the children within them, or placing the

interests of adults ahead of the needs of children.

Children are clear what they want from an effective safeguarding system; Children want to be respected, their views to be heard, to have stable relationships with professionals built on trust and to have consistent support provided for their individual needs. This will guide the behaviour of professionals. Anyone working with children will see and speak to the child; listen to what they say; take their views seriously; and work with them collaboratively when deciding how to support their needs. A child-centred approach is supported by:

- The Children's Act 1989. This Act requires local authorities to give due regard to a child's wishes when determining what services to provide under section 17 of the Children Act 1989, and before making decisions about action to be taken to protect individual children under section 47 of the Children Act 1989. These duties complement requirements relating to the wishes and feelings of children who are, or may be, looked after (section 22(4) Children Act 1989), including those who are provided with accommodation under section 20 of the Children Act 1989 and children taken into police protection (section 46(3)(d) of that Act);
- The Equality Act 2010 which puts a responsibility on public authorities to have due regard to the need to eliminate discrimination and promote equality of opportunity. This applies to the process of identification of need and risk faced by the individual child and the process of assessment. No child or group of children must be treated any less favourably than others in being able to access effective services which meet their particular needs; and
- The United Nations Convention on the Rights of the Child (UNCRC). This is an international agreement that protects the rights of children and provides a child-centred framework for the development of services to children. The UK Government ratified the UNCRC in 1991 and, by doing so, recognises children's rights to expression and receiving information.

### The role of school staff

Fierté Trust staffs (teaching and non-teaching) are particularly important as they are in a position to identify concerns early, provide help for children, and prevent concerns from escalating.

**All** school staff, teaching and non-teaching staff within the Trust have a responsibility to provide a safe environment in which children can learn.

Each school within the Trust has a designated safeguarding lead who will provide support to staff members to carry out their safeguarding duties and who will liaise closely with other services such as children's social care. In addition the overarching DSL of the Trust is the C.E.O. (Maria Hamblin)

These procedures aim to provide a framework which ensures that all practice in the area of child protection is consistent with stated values and procedures that underpin all work with children and young people. Statutory guidance defines a child as everyone under the age of 18.

This policy also seeks to make the professional responsibilities clear to all staff (teaching and non-teaching), the Fierté Trust Board, governors and volunteers, temporary and supply staff to ensure that statutory and other duties are met in accordance with Staffordshire Safeguarding Children Board requirements and procedures. All staff and volunteers need to have read and be familiar with the Policy.

This Safeguarding Policy will be reviewed annually by the Trust Board and the Local Governing Bodies in each academy within the Trust.

Staff members working with children at the Fierté Trust are advised to maintain an attitude of **'it could happen here'** where safeguarding is concerned. When concerned about the welfare of a child, staff members will always act in the **best** interests of the child. (The Children's Act 1989) and in accordance with The Rights of the Child (UNCRC)

The Teachers' Standards 2012 state that teachers, including head teachers, will safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.

### What School staff need to know

**All** staff members will be aware of systems within their school within the Trust which support safeguarding and these will be explained to them as part of staff induction. This will include:

- The child protection policy;
- The staff behaviour policy (sometimes called a code of conduct); and
- The role of the designated safeguarding lead.

Copies of policies and a copy of Part one of this document (Keeping children safe in education) will be provided to staff at induction.

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

**All** staff will be aware of the early help process, and understand their role in it. This includes identifying emerging problems, liaising with the designated safeguarding lead, sharing information with other professionals to support early identification and assessment and, in some cases, acting as the lead professional in undertaking an early help assessment.

### What will school staff look out for?

**All** school staff members will be aware of the types of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection.

Departmental advice [What to do if you are worried a child is being abused- Advice for practitioners](#) provides more information on understanding and identifying abuse and neglect for staff in the Trust. Examples for staff of potential signs of abuse and neglect are highlighted throughout the policy and will be particularly helpful for Trust staff. The [NSPCC](#) website also provides useful additional information on types of abuse and what to look out for.

Staff members working within the Trust are advised to maintain an attitude of **'it could happen here'** where safeguarding is concerned. When concerned about the welfare of a

child, staff members will always act in the **best** interests of the child.

Knowing what to look for is vital to the early identification of abuse and neglect. If staff members are unsure, they will always speak to the designated safeguarding lead.

### What school and college staff will do if they have concerns about a child?

If staff members have any **concerns** about a child they will need to decide what action to take. Where possible, there will be a conversation with the designated safeguarding lead to agree a course of action, although any staff member can make a referral to children's social care. Other options could include referral to specialist services or early help services and will be made in accordance with the referral threshold set by the Local Safeguarding Children Board.

If anyone other than the designated safeguarding lead makes the referral, they will inform the designated safeguarding lead as soon as possible. The local authority will make a decision within one working day of a referral being made about what course of action they are taking and will let the referrer know the outcome. Staff will follow up on a referral will that information not be forthcoming. The online tool

[Reporting child abuse to your local council](#) directs staff to their local children's social care contact number.

(See page 10 for a flow chart setting out the process for staff when they have concerns about a child)

If, after a referral, the child's situation does not appear to be improving, the designated safeguarding lead (or the person who made the referral) will press for re-consideration to ensure their concerns have been addressed and, most importantly, that the child's situation improves.

If early help is appropriate, the designated safeguarding lead will support the staff member in liaising with other agencies and setting up an inter-agency assessment as appropriate.

If early help or other support is appropriate, the case will be kept under constant review and consideration given to a referral to children's social care if the child's situation does not appear to be improving.

If a **teacher**, in the course of their work in the profession, discovers that an act of Female Genital Mutilation appears to have been carried out on a girl under the age of 18, the **teacher** must report this to the police.

### What school and college staff will do if a child is in danger or at risk of harm

**If a child is in immediate danger or is at risk of harm, a referral will be made to children's social care and/or the police immediately.** Anyone can make a referral. Where referrals are not made by the designated safeguarding lead, the designated safeguarding lead will be informed as soon as possible that a referral has been made.

### Record keeping

All concerns, discussions and decisions made and the reasons for those decisions will be recorded in writing. If in doubt about recording requirements, staff will discuss with the designated safeguarding lead.

#### **What school and college staff will do if they have concerns about another staff member?**

If staff members have concerns about another staff member, then this will be referred to the headteacher. Where there are concerns about the headteacher, this will be referred to the chair of governors, chair of the management committee or proprietor of an independent school as appropriate. In the event of allegations of abuse being made against the headteacher, where the headteacher is also the sole proprietor of an independent school, allegations will be reported directly to the designated officer(s) at the local authority. Staff may consider discussing any concerns with the school's designated safeguarding lead and make any referral via them.

#### **What Trust staff will do if they have concerns about safeguarding practices within the Trust?**

All staff and volunteers will feel able to raise concerns about poor or unsafe practice and potential failures in the school within the Trust's safeguarding regime and know that such concerns will be taken seriously by the leadership team.

Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, will be in place for such concerns to be raised with the school within the Trust's senior leadership team.

If a staff member felt unable to raise an issue within the Trust or felt that their genuine concerns were not being addressed, other whistleblowing channels will be open to them:

- General guidance can be found at- [Advice on whistleblowing](#)
- The [NSPCC whistleblowing helpline](#) is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- ***All Trust staff members will be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases multiple issues will overlap with one another.***

***If staff have significant concerns about any child they will make them known to the schools Designated or Deputy Designated Safe Guarding Lead Persons without delay in accordance with reporting and recording procedures (Green disclosure forms can be found in staffrooms across the Trust). These concerns may include***

#### **Abuse:**

A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or

community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children.

### **Physical abuse:**

This may involve hitting, shaking, throwing, poisoning, burning or 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 (*Working Together to Safeguard Children' 2015*).

### **Emotional abuse:**

Is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development? It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as over protection and limitation of exploration and learning, or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill treatment of another. It may involve serious bullying (including Cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone. (*Working Together to Safeguard Children' 2015*).

### **Neglect:**

Is the persistent failure to meet a child's basic physical and/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 abuse.

Once a child is born, neglect may involve a parent or carer 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 (*Working Together to Safeguard Children' 2015*).

### **Sexual abuse**

Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (e.g. rape, or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual online images, watching sexual activities, or encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. (*Working Together to Safeguard Children' 2015*).

## **Identifying cases of female genital mutilation (FGM) and Forced Marriage**

Any indications that Female Genital Mutilation (FGM) or Forced Marriage are imminent, or have already taken place, will be dealt with under the child protection procedures outlined in this policy. In support of this provision, we will do everything that we can to ensure that:

- Our school is an 'open environment', where students feel able to discuss issues that they may be facing;
- The Designated Safeguarding Leads are aware of the issues surrounding FGM and Forced Marriage;
- Advice and signposting is available for accessing additional help, e.g. the NSPCC's helpline, ChildLine services, Forced Marriage Unit
- Awareness raising about FGM is incorporated in the school's safeguarding training.

### **Domestic violence and abuse: new definition**

#### **The cross-government definition of domestic violence and abuse is:**

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

- psychological
- physical
- sexual
- financial
- emotional

### **Controlling behaviour**

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

### **Coercive behaviour**

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

This is not a legal definition.

If there is a disclosure of abuse of this kind, or staff are concerned for any other reason, they are advised:

- to alert the Designated Safeguarding Lead to their concerns. This member of staff will then refer concerns to children's social care, who will inform the police if they need assistance. If a pupil has disclosed that they are at risk in this way, the case will still be referred to social care even if it is against the pupil's wishes.
- **not** to consult or discuss with the pupil's parents or family, or others within the community.

**The list of safeguarding issues is not exhaustive and advice on other types can be found in**

## Appendix1 of KCSIE September 5<sup>th</sup> 2016.

### Making referrals

Where a child is registered at school, consultation must take place with the Designated Safeguarding Lead who will be the most appropriate person to initiate any referral. A written record of concerns will be made using the schools internal recording form (Green Form). This will then be given to the Designated Safeguarding Lead (or SENCO if DSL unavailable) who will then make the decision whether a referral is needed to the First Response Team or the child's existing social worker. If the child lives in an authority outside of Staffordshire, the matter will be referred by the Designated Safeguarding Lead to the relevant Children's Social Care team in that area.

As per statutory government guidance '**Keeping Children Safe in Education**', anybody **can** make a referral. However, due to the role of the Designated Safeguarding Lead this member of staff may be party to additional and pertinent information and therefore is best placed to do so. If it is not possible to speak to the Designated or Deputy Designated Safeguarding Lead, or there would be an unwarranted delay by doing so, the member of staff will contact the First Response Team to discuss concerns. In these circumstances, the Designated Safeguarding Lead must be informed about the referral as soon as possible.

For referral to First Response phone 0800 1313126. The phone call will be followed up with written confirmation on the Multi-agency referral form (MARF) within 48 hours. The multi-agency form is available from the SSCB website (procedure 3B): [www.staffsscb.org.uk](http://www.staffsscb.org.uk)

### Confidentiality

Confidentiality is an issue that needs to be understood by all those working with children in the Trust, particularly in the context of child protection. This is a complex area and involves consideration of a number of pieces of legislation.

You can never guarantee confidentiality to a child as some kinds of information may need to be shared with others. A suggested form of words used that may help when talking to children is as follows:

***"I will keep our conversation confidential and agree with you what information I can share, unless you tell me something that will affect your personal safety or that is illegal, but I will tell you if I am going to pass information on and who to."***

Professionals can only work together to safeguard children if there is an exchange of relevant information between them. This has been recognised in principle by the courts. However, any disclosure of personal information to others, including children's social care departments, must always have regard to both common and statute law.

Normally, personal information will only be disclosed to third parties (including other agencies) with the consent of the subject of that information (Data Protection Act 1998 European Convention on Human Rights, Article 8). Wherever possible, consent will be obtained before sharing personal information with third parties. In some circumstances, however, consent may not be possible or desirable but the safety and welfare of the child dictate that the information will be shared.

The law requires the disclosure of confidential information necessary to safeguard a child or children. Under Section 47 of the Children Act 1989 statutory agencies have a duty to co-operate. Therefore, if the Police or Social Care/Services are conducting a Section 47 investigation under the

1989 Children Act, staff must share requested information relevant to the investigation. Legal advice will be sought if in doubt from the County Legal Services Department.

When children transfer to a new school within the Trust at any time other than key transition points (e.g. move to primary or high school), it may be necessary to inform other partners. For example, a process is in place for informing the school nurse team in these circumstances

### **Talking to and listening to children within the Trust**

If a child chooses to disclose, you WILL:

- be accessible and receptive
- listen carefully and uncritically at the child's pace
- take what is said seriously
- reassure the child that they are right to tell
- tell the child that you must pass this information on
- make a careful record of what was said.

You will NEVER:

- take photographs of injuries
- examine marks/ injuries solely to assess whether they may have been caused by abuse (there may be a need to give appropriate first aid)
- investigate or probe, aiming to prove or disprove possible abuse – never ask leading questions
- make promises to children about confidentiality or keeping 'secrets'
- assume that someone else will take the necessary action
- jump to conclusions or react with shock, anger or horror
- speculate or accuse anybody
- confront another person (adult or child) allegedly involved
- offer opinions about what is being said or about people allegedly involved
- forget to record what you have been told
- fail to pass the information on to the correct person
- ask a child to sign a written copy of the disclosure or a 'statement'.

For children with communication difficulties or who use alternative/augmented communication systems, staff may need to take extra care to ensure that signs of abuse and neglect are identified and interpreted correctly, but concerns will be reported in exactly the same manner as for other children.

Records will:

- state who was present, time, date and place
- use the child's words wherever possible
- be factual/state exactly what was said
- differentiate clearly between fact, opinion, interpretation, observation and/or allegation
- be written in ink and signed by the recorder.

Records about child protection or pertaining to welfare concerns or issues, including CAF paperwork, will be retained securely and separately to the curriculum records of the child. If the child moves to another school or education setting, these records will be suitably redacted in regard

to the identification of other children or adults and sent in a timely and secure manner to the Designated Safeguarding Lead of the receiving school within the Trust.

### **Attendance at Child Protection Conferences**

The Designated Safeguarding Lead or their deputy will be expected to attend the initial Child Protection Conference and Reviews, and provide a written report. A suggested template for this report is available on [Staffordshire Education Safeguarding Advice](#)

Parents will be informed of what is in the report as there will be no surprises about the information shared at Conference.

If a child is made subject to a Child Protection Plan it may be more relevant for the class teacher or head of year to attend the subsequent core group meetings and they will be given appropriate support around safeguarding issues by the Designated Safeguarding Lead.

### **Thresholds for Intervention:**

#### **Early Support: Common Assessment Framework - CAF**

Practitioners will complete a Common Assessment Framework (CAF) or Early Health Care Plan (EHC) when:

- Age appropriate progress is not being made and the causes are unclear or
- The support of more than one additional agency is needed to meet the child or young person's needs.

All staff receives CAF awareness training. Staff will discuss children who appear to have additional needs with the Designated Safeguarding Lead or CAF Lead (Penny Andrews, Marie Dawson & Richard Burns), the child and parents. The school will need to obtain parental/pupil consent for a CAF to be completed. The school CAF co-ordinator may need to make a referral directly to other agencies, or request the support of Staffordshire County Council Local Support Team (LST). Staff will follow the guidance of the SSCB Threshold Document - accessing the right help at the right time ([www.staffsscb.org.uk](http://www.staffsscb.org.uk) – procedure 1E). The school will inform the LST Co-ordinator when a CAF is started, and when it is closed, irrespective of whether or not there is an LST worker involved with the family.

### **Child in Need - S17 of the Children Act 1989:**

A 'Child in Need' referral will be considered where the needs of the child are unlikely to be met under a CAF, such as a child with complex disabilities, when a social work led assessment is required.

Section 17 of the Children Act says that an assessment for services will be undertaken by the Local Authority in the following circumstances:

- Child (ren) are unlikely to achieve or maintain, or to have opportunity to achieve or maintain a reasonable standard of health or development, without the provision of services by a local authority.
- Their health or development is likely to be impaired, or further impaired without the provision of such services.
- They are disabled.

If the Designated Safeguarding Lead considers that the welfare concerns indicate that a 'Child in Need' referral is appropriate, he/she will speak with parents / young person and obtain their consent for referral to the First Response Team (FRT -see below) to request an assessment. If parents refuse to give consent, but the child's needs are not being met, the Designated Safeguarding Lead will discuss the issues with the FRT.

Appropriate school staff will be invited to participate in Child in Need (CIN) meetings convened by Children's Social Care when children are deemed to require section 17 services.

Some children in 'acute need' (see SSCB Threshold guidance) may require Child in Need Section 17 support. This could include children who self harm or disclose an intent to commit suicide (SSCB procedure 4U).

### **Protecting yourself against allegations of abuse**

(Keeping children safe in education 2016 says that all staff members will be aware of systems within their school within the Trust which support safeguarding and these will be explained to them as part of staff induction. This includes the school staff behaviour policy (sometimes called a code of conduct). The school's code of conduct is available to all staff on LP365 and all new staff have a copy during induction. You will seek to keep your personal contact with children under review and seek to minimise the risk of any situation arising in which misunderstandings can occur. The following sensible precautions can be taken when working alone with children:

- work in a room where there is a glass panel in the door or leave the door open
- Make sure that other adults visit the room occasionally
- Avoid working in isolation with children unless thought has been given to safeguards
- Never give out personal mobile phone numbers or private e-mail addresses
- Do not give pupils lifts home in your car (unless this has been specifically agreed by senior management)
- Do not arrange to meet pupils outside of school activities
- Never 'befriend' or chat to pupils on social network sites
- Staff will not make contact with ex pupils, particularly those under 18 year's age.

Under the Sexual Offences Act 2003 it is a criminal offence for anyone working in an education setting to have a sexual relationship with a pupil or student even when the pupil/student is over the age of consent but under 18 years of age.

Any use of physical force or restraint against pupils/students will be carried out and documented in accordance with the relevant physical intervention policy. If it is necessary to use physical action to prevent a child from hurting themselves or others parents will be informed. Children will not be punished by any form of hitting, slapping, shaking or other degrading treatment.

### **Specific safeguarding issues**

**All** staff will have an awareness of safeguarding issues, some of which are listed below. Staff will be aware that behaviours linked to the likes of drug taking, alcohol abuse, truanting and sexting put children in danger.

**All** staff will be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to, bullying

(including cyberbullying), gender based violence/sexual assaults and sexting. Staff will be clear as to the school / Trust policy and procedures with regards to peer on peer abuse.

Expert and professional organisations are best placed to provide up-to-date guidance and practical support on specific safeguarding issues. For example, information for schools and colleges can be found on the [TES](https://www.minded.org.uk/digitalrisk) HYPERLINK "https://www.minded.org.uk/digitalrisk" [MindEd](#) and the [NSPCC](#) websites. School and college staff can access government guidance as required on the issues listed below via GOV.UK and other government websites:

- [bullying including cyberbullying](#)
- [children missing education](#) – and Annex A
- [child missing from home or care](#)
- [child sexual exploitation \(CSE\)](#) – and Annex A
- [domestic violence](#)
- [drugs](#)
- [fabricated or induced illness](#)
- [faith abuse](#)
- [female genital mutilation \(FGM\)](#) – and Annex A
- [forced marriage](#)- and Annex A
- [gangs and youth violence](#)
- [gender-based violence/violence against women and girls \(VAWG\)](#)
- [hate](#)
- [mental health](#)
- [missing children and adults](#)
- [private fostering](#)
- [preventing radicalisation](#) – and Annex A
- [relationship abuse](#)
- [sexting](#)
- [trafficking](#)

## **The management of safeguarding and the responsibility of the trust and local governing bodies**

### **Legislation and the law**

Governing bodies (in Part two KCSIE), unless otherwise stated, this includes management committees) must ensure that they comply with their duties under legislation. They must have regard to this guidance to ensure that the policies, procedures and training in their schools or colleges are effective and comply with the law at all times.

### **Safeguarding policies**

Governing bodies have ensured there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare.

This will include:

- an effective child protection policy; and
- a staff behaviour policy (sometimes called the code of conduct) which will amongst other things include - acceptable use of technologies, staff/pupil relationships and communications including the use of social media.

This is not intended to be an exhaustive list. These policies, along with Part one of this guidance (Keeping children safe in education) and information regarding the role of the designated safeguarding lead, will be provided to all staff on induction. Governing bodies will take a proportional risk-based approach to the level of information that is provided to temporary staff and volunteers.

The child protection policy will describe procedures which are in accordance with government guidance and refer to locally agreed inter-agency procedures put in place by the Local Safeguarding Children Board (LSCB), be updated annually (as a minimum), and be available publicly either via the school within the Trust website or by other means.

Headteachers and principals will ensure that the above policies and procedures, adopted by Governing bodies, particularly concerning referrals of cases of suspected abuse and neglect, are followed by all staff.

Governing bodies will put in place appropriate safeguarding responses to children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect including sexual abuse or exploitation and to help prevent the risks of their going missing in future. The government's [missing children and adults strategy](#) and the department's [children missing education](#) guidance provide information that Governing bodies will find useful when considering children who go missing from education.

### **The designated safeguarding lead**

Governing bodies will appoint an appropriate **senior member** of staff, from the school within the Trust **leadership team**, to the role of designated safeguarding lead. The designated safeguarding lead will take **lead responsibility** for safeguarding and child protection. This will be explicit in the role-holder's job.

It is a matter for individual schools and colleges as to whether they choose to have one or more deputy designated safeguarding leads. Any deputies will be trained to the same standard as the designated safeguarding lead.

Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate **lead responsibility** for safeguarding and child protection, as set out above, remains with the designated safeguarding lead. This responsibility will not be delegated.

The designated safeguarding lead and any deputies will liaise with the local authority and work with other agencies in line with Working Together to Safeguard Children.

During term time, the designated safeguarding lead and or a deputy will always be available (during school within the Trust hours) for staff in the school within the Trust to discuss any safeguarding concerns. It is a matter for individual schools and colleges and the designated safeguarding lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.

The designated safeguarding lead and any deputies will undergo training to provide them with the knowledge and skills required to carry out the role. The training will be updated every two years.

In addition to their formal training, as set out above, their knowledge and skills will be updated, (for example via e-bulletins, meeting other designated safeguarding leads, or taking time to read and digest safeguarding developments), at regular intervals, but at least annually, to keep up with any developments relevant to their role.

### **Inter-agency working**

Governing bodies will ensure that the school within the Trust contributes to inter-agency working in line with statutory guidance Working together to safeguard children. Schools and colleges will work with social care, the police, health services and other services to promote the welfare of children and protect them from harm. This includes providing a coordinated offer of early help when additional needs of children are identified and contributing to inter-agency plans to provide additional support to children subject to child protection plans. All schools and colleges will allow 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.<sup>13</sup>

Governing bodies of all schools and colleges will ensure that their safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the LSCB. This will include understanding and reflecting local protocols for assessment and

For further information see Chapter 1 of Working together to safeguard children. Section 10 of the Children Act 2004 requires a local authority to make arrangements to promote co-operation between itself, its relevant partners and such other persons or organisations as the authority considers appropriate, being persons or organisations who exercise functions or who are engaged in activities relating to children in the authority's area. The relevant partners include governing bodies of maintained schools maintained by the local authority, proprietors of non-maintained special schools situated in the local authority's area, proprietors of academies and free schools situated in the local authority's area and governing bodies of colleges the main site of which is situated in the local authority's area, which are under a duty to co-operate with the local authority in the making of such arrangements. Management committee of pupil referral units are also relevant partners, through paragraph 20B of Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007. The arrangements made by local authorities under section 10 may extend to other types of independent and non-maintained schools (i.e. other than academies and free schools) as such schools engage in activities relating to children.

Local authorities, with their partners, will develop local protocols for assessment. The protocol will set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care.

As part of meeting a child's needs, it is important for Governing bodies to recognise the importance of information sharing between professionals and local agencies. Further details on information sharing can be found in Chapter one of

Working together to safeguard children and at Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers.

Whilst the Data Protection Act 1998 places duties on organisations and individuals to process personal information fairly and lawfully, it is not a barrier to sharing information where the failure to do so would result in a child being placed at risk of harm.

Fears about sharing information **cannot** be allowed to stand in the way of the need to promote the welfare and protect the safety of children.

Although inter-agency working and information sharing are vital in identifying and tackling all forms of abuse, it is clear they are especially important to identify and prevent child sexual exploitation.

### **Staff training**

Governing bodies will ensure that all staff members undergo safeguarding and child protection training at induction. The training will be regularly updated. Induction and training will be in line with advice from the LSCB.

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

Governing bodies will recognise the expertise staff build by undertaking safeguarding training and managing safeguarding concerns on a daily basis. Opportunity will therefore be provided for staff to contribute to and shape safeguarding arrangements and child protection policy.

### **Online safety**

As schools and colleges increasingly work online, it is essential that children are safeguarded from potentially harmful and inappropriate online material. As such, Governing bodies will ensure appropriate filters and appropriate monitoring systems are in place. Additional information to support governing bodies and

The LSCB will publish a threshold document that includes the process for early help assessments and the type and level of early help services; the criteria, including the level of need, for when cases will be referred to local authority children's social care for assessments and for statutory services under sections 17, 20, 31 and 47 of the Children Act 1989 and clear procedures and processes for cases relating to the sexual exploitation of children and young people.

## **Opportunities to teach safeguarding**

Governing bodies will ensure children are taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum. This may include covering relevant issues through personal, social, health and economic education (PSHE), tutorials (in FE colleges) and/or, for maintained schools and colleges, through sex and relationship education (SRE).

Whilst it is essential that Governing bodies ensure that appropriate filters and monitoring systems are in place, they will be careful that “over blocking” does not lead to unreasonable restrictions as to what children can be taught with regards to online teaching and safeguarding.

## **Safer recruitment**

In line with Part three of this guidance, Governing bodies will prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required and ensuring volunteers are appropriately supervised. The school within the Trust will have written recruitment and selection policies and procedures in place.

The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training.<sup>17</sup> Governing bodies of maintained schools may choose appropriate training and may take advice from their LSCB in doing so. The training will cover, as a minimum, the content of this guidance.

## **Allegations of abuse made against teachers, headteachers', principals, volunteers and other staff**

Governing bodies will ensure there are procedures in place to handle allegations against teachers, headteachers, principals, volunteers and other staff.

Such allegations will be referred to the designated officer(s) at the local authority by the appropriate person as set out in Part four of this guidance.

There must be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.

**This is a legal duty and failure to refer when the criteria are met is a criminal offence.**

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

Staff will recognise that children are capable of abusing their peers.

Governing bodies will ensure their child protection policy includes procedures to minimise the risk of peer on peer abuse and sets out how allegations of peer on peer abuse will be investigated and dealt with. The policy will reflect the different forms peer on peer abuse can take, make clear that abuse is abuse and will never be tolerated or passed off as “banter” or “part of growing up”. It will be clear as to how victims of peer on peer abuse will be supported.

Peer on peer abuse can manifest itself in many ways. Governors and proprietors will ensure sexting and the school within the Trust’s approach to it is reflected in the child protection policy. The department provides [searching screening and confiscation advice](#) for schools. The UK Council for Child Internet Safety (UKCCIS) Education Group has recently published [sexting advice](#) for schools and colleges.

Governors and proprietors will ensure the child protection policy reflects the different gender issues that can be prevalent when dealing with peer on peer abuse. This could, for example, include girls being sexually touched/assaulted or boys being subject to initiation/hazing type violence.

## **The child’s wishes**

Where there is a safeguarding concern, governing bodies, proprietors and school within the Trust leaders will ensure the child’s wishes and feelings are taken into account when determining what action to take and what services to provide. Systems will be in place for children to express their views and give feedback. Ultimately, all systems and processes will operate with the **best** interests of the child at their heart.

## **Looked after children**

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

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

## **The designated teacher**

Governing bodies of maintained schools and proprietors of academy schools must appoint a designated teacher to promote the educational achievement of children who are looked after and ensure that this person has appropriate training.

## **Virtual school heads**

Virtual school heads receive pupil premium plus additional funding based on the latest published numbers of children looked after in the authority. In maintained schools and academies, the designated teacher will work with the virtual school head to discuss how that funding can be best used to support the progress of looked after children in the school and meet the needs identified in the child's personal education plan. In other schools and colleges, an appropriately trained teacher will take the lead.

## **Children with special educational needs and disabilities**

Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. Governing bodies will ensure their child protection policy reflects the fact that additional barriers can exist when recognising abuse and neglect in this group of children. These can include:

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

## ***Recruitment, selection and pre-employment vetting***

It is vital that the trust 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, (see paragraphs 71-72 KCSIE about safer recruitment training) checks that are, or may be, required for any individual working in any capacity at, or visiting schools within the Trust. The Trust Governing bodies act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including: criminal record checks (DBS checks), barred list checks and prohibition checks together with references and interview information.

The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in a school, as outlined in KCSIE.

For most appointments within the Trust, an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity.

In summary, a person in the Trust will be considered to be engaging in regulated activity if as a result of their work they:

- will be responsible, on a regular basis in school, for teaching, training instructing, caring for or supervising children; or

will carry out paid, or unsupervised unpaid, work regularly in school where that work provides an opportunity for contact with children; or

- engage in intimate or personal care or overnight activity, even if this happens only once.
- A more detailed description of regulated activity is provided at page 24 of KCSIE.

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate. This would include contractors (see paragraphs 135-138 for further information on contractors in KCSIE) that would have the opportunity for contact with children and who work under a temporary or occasional contract.

In Trust schools, a **supervised** volunteer who regularly teaches or looks after children is not in regulated activity. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity which schools will have regard to when considering which checks will be undertaken on volunteers. (This is set out at Annex F of KCSIE)

In addition to obtaining the DBS certificate described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching. For those engaged in management roles an additional check is required to ensure they are not prohibited under section 128 provisions. (See the pre-appointments section of the K.C.S.I.E)

Newly appointed staff and volunteers will have a robust induction into the child protection procedures when they join the Trust. They will be made aware of the Staffordshire Safeguarding Children Board procedures ([www.staffsscb.org.uk](http://www.staffsscb.org.uk)) as part of that induction programme, and be given a copy of the school Safeguarding Policy and the Staff Behaviour Policy (Keeping Children Safe in Education statutory guidance 2016) the governors will ensure that these policies are effective and provided to all staff, including temporary and volunteers, on induction). Any reason for staff to be having personal, social contact with pupils at the school must be explained to the head teacher with the rationale and any safeguarding actions required will be recorded. Staff will also attend the Level 1 Safeguarding and Promoting the Welfare of Children and Young People training within 6 months of joining the school. The initial Level One Child Protection training given to each member of the organisation will be updated every three years and recorded. An ongoing and updated register of training will be maintained and updated across all schools

Any staff member, volunteer or governor who becomes the subject of a police investigation in relation to physical or sexual offences against adults or children, or are charged with such a criminal offence, will inform the head teacher. Staff will disclose any convictions, cautions, court orders, reprimands and warnings which may affect their suitability to work with children whether received before, or during their employment at the school. (Please note, it is a requirement in statutory guidance (EYFS framework) for head teachers to inform staff working

in the Early Years Foundation Stage that they are expected to disclose in these circumstances). The head teacher will discuss any potential safeguarding matters with the LADO and any required action will be agreed.

Any staff member, volunteer or governor whose own children become subject to child protection investigations within the Trust will inform the head teacher. The head teacher will discuss with the Local Authority Designated Officer (LADO) in regard to procedures for dealing with allegations against Persons who work in a position of trust with children. Appropriate action will be agreed.

The Designated and Deputy Designated Safeguarding Leads in the Trust continue to attend Staffordshire Safeguarding Board Courses at Level Two and above at least every 2 years in order to maintain continuous professional development and comply with statutory guidance and the SSCB training strategy.

The Trust recognises the importance of professional reflective supervision when working with vulnerable children. Arrangements are in place for the Designated Safeguarding Leads to have regular and scheduled supervision. The Designated Safeguarding Leads offer appropriate support to other staff within the school according to need or at their request. (Ensuring there is effective support and supervision for staff working with vulnerable children is highlighted In Working Together 2013) The Headteacher will evaluate and decide on the best way to offer this support e.g. peer support between Designated and Deputy Safeguarding Leads)

#### **All new appointments to regulated activity**

An offer of appointment to a successful candidate within the Trust, including one who has lived or worked abroad, must be conditional upon satisfactory completion of pre-employment checks.

When appointing new staff, we will:

- verify a candidate's identity, preferably from current photographic ID and proof of address except where, for exceptional reasons, none is available;
- obtain a certificate for an enhanced DBS check with a barred list information where the person will be engaging in regulated activity;
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- check that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State, using the Employer Access Online service;
- verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capability.

#### **Regulated activity**

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a Factual note on regulated activity in relation to children: scope Regulated activity includes:

a) Teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,

b) Work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

c) Relevant personal care, or health care provided by or provided under the supervision of a health care professional:

- Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;<sup>32</sup>
- Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

### **Types of check**

Disclosure and Barring Service (DBS) checks are carried out by the Trust as follows;

Three types of DBS checks are referred to in this guidance (see Annex G of KCSIE for more information):

- Standard: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;
- Enhanced: This provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and Enhanced with barred list check: where people are working or seeking to work in regulated activity with children, this allows for an additional checks to be made as to whether the person appears on the children's barred list.

More information is available on the DBS website.

Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate to the Trust before they take up post or as soon as practicable afterwards.

Where the Trust allows an individual to start work in regulated activity before the DBS certificate is available, they will ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

For staff who work in childcare provision or who are directly concerned with the management of such provision, the Trust ensures that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009. Further information on the staff to whom these regulations apply, the checks that will be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance.

**If the Trust knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.**

### **Teacher prohibition orders**

Teacher prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition can be carried out using the Teacher Services' system. Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication *Teacher misconduct: the prohibition of teachers*.

Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by NCTL. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

### **Section 128 direction**

A section 128 direction<sup>38</sup> prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited, is unable to participate in any management of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities. A check for a section 128 direction can be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

The grounds on which a section 128 direction may be made by the Secretary of State are found in the relevant regulations.

- Pre-appointment checks
- All new appointments

Any offer of appointment in the Trust made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.

When appointing new staff, the Trust will (subject to paragraph 105):

- verify a candidate's identity. Identification checking guidelines can be found on the GOV.UK website;
- obtain (via the applicant) an enhanced DBS certificate( including barred list information, for those who will be engaging in regulated activity)
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;

verify the candidate's mental and physical fitness to carry out their work responsibilities.<sup>41</sup> A job applicant can be asked relevant questions about disability and health.

- verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, will follow advice on the GOV.UK website;
- if the person has lived or worked outside the UK, make any further checks the school within the Trust consider appropriate (see paragraph 114); and

- verify professional qualifications, as appropriate.
- Independent schools, including academies and free schools, check that a person taking up a management position as described at paragraph 99 is not subject to a section 128 direction made by the Secretary of State.

The Trust will use Teacher Services' system to ensure that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State.

Where an enhanced DBS certificate is required, it will be obtained from the candidate before, or as soon as practicable after, the person's appointment.

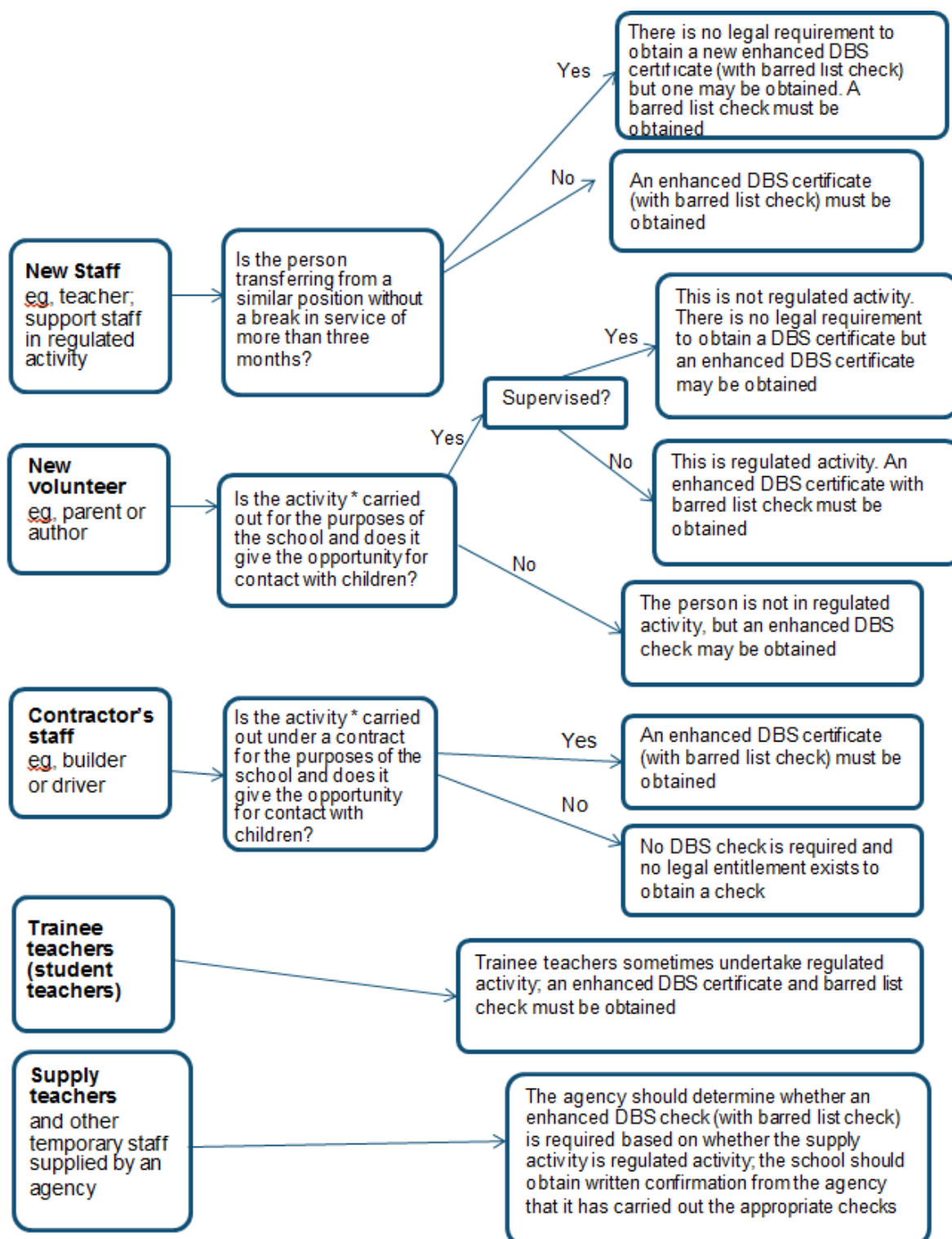
There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or young persons in any post in a school since 12 May 2006; or
- in an institution within the further education sector in England or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

All other 'pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check. Schools or colleges may also choose to request an enhanced DBS certificate will they wish to do so.

The DBS cannot provide barred list information on any person, including volunteers, who are not in or seeking to enter in regulated activity.

## Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



\* Activities listed under the guidance's definition of regulated activity and which are carried out 'frequently'

## **Employment history and references**

The Trust will always ask for written information about previous employment history and check that information is not contradictory or incomplete. References will be sought on all short-listed candidates, including internal ones, before interview, so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview.

*The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References will always be obtained, scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed. They will always be requested directly from the referee and employers will not rely on open references, for example in the form of 'to whom it may concern' testimonials. If a candidate for a teaching post is not currently employed as a teacher, it is also advisable to check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.*

On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. The referee will be contacted to provide further clarification as appropriate: for example if the answers are vague. They will also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies will be taken up with the candidate.

Any information about past disciplinary action or allegations will be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teacher Services' checks referred to previously).

## **Single central record**

Each school within the Trust keeps a single central record, referred to in the regulations (described in the following paragraph) as the register. The single central record covers the following people:

- All staff (including supply staff, and teacher trainees on salaried routes) who work at the school: in colleges, this means those providing education to children; and
- For independent schools, including academies and free schools, all members of the proprietor body.

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check;

- a barred list check and enhanced DBS check/certificate;
- a prohibition from teaching check;
- a section 128 check (for management positions as set out in paragraph 99 for independent schools(including free schools and academies));
- further checks on people who have lived or worked outside the UK; this would include recording checks for those EEA teacher sanctions and restrictions described in paragraph 114;
- a check of professional qualifications; and
- a check to establish the person's right to work in the United Kingdom.

**For supply staff**, schools will also include whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff, and the date that confirmation was received.

Where checks are carried out on volunteers, schools will record this on the single central record.

For details of records that must be kept, see:

- for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007);
- for independent schools, (including academies and free schools and alternative provision academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014;

The Trust does not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. The Trust will comply with the requirements of the Data Protection Act, through choosing to retain a copy though these will not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept for the personnel file.

Further information on handling DBS certificate information can be found on GOV.UK.

### **Agency and third-party staff**

If used within Trust schools they will obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school within the Trust that the school within the Trust would otherwise perform.<sup>47</sup> Where the position requires a barred list check this must be obtained, by the agency or third-party prior to appointing that individual. The school will also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **Trainee/student teachers**

Where applicants for initial teacher training are salaried by the Trust, the school will ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and barred list information) will be obtained.

Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, schools will obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.<sup>48</sup> There is no requirement for the school to record details of fee-funded trainees on the single central record.

### **Existing staff**

If schools within the Trust have concerns about an existing staff member's suitability to work with children, the school will carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school moves from a post that was not regulated activity, into work which is regulated activity, the relevant checks for the regulated activity will be carried out. Apart from these circumstances, the school is not required to request a DBS check or barred list check.

Schools within the Trust have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals would be made as soon as possible after the resignation or removal of the individual.

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity within the Trust.

Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in schools within the Trust will be in regulated activity. The school will obtain an enhanced DBS certificate (which will include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity will not have to be re-checked if they have already had a DBS check (which includes barred list information). However, schools are able to conduct a repeat DBS check (which will include barred list information) on any such volunteer will they have concerns about in the Trust.

Schools in the Trust may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity, but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers (see paragraph 127 for supervision).

The school will undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. In doing so they will consider:

The nature of the work with children:

- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;

- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for an enhanced DBS check.

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as schools and colleges, to decide what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity, which would be regulated activity if it was unsupervised, the statutory guidance must be followed. This is replicated at Annex F. The guidance issued following this change requires that:

- there must be supervision by a person who is in regulated activity;<sup>52</sup>
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

The DBS cannot provide barred list information on any person, including volunteers, who are not in or seeking to enter regulated activity.

### **Contractors**

Schools in the Trust will ensure that any contractor, or any employee of the contractor, who is to work at the school has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity within any school in the Trust. Schools in the Trust are responsible for determining the appropriate level of supervision depending on the circumstances.

If a contractor working at a school within the Trust is self-employed, the school will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

Schools and colleges will check the identity of contractors and their staff on arrival at the school within the Trust and share safeguarding and Health and Safety procedures.

### **Visitors**

Schools in the Trust do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children’s’ relatives or other visitors attending a sports day). Headteachers and principals in the Trust will use their professional judgment about the need to escort or supervise visitor’s e.g.

- Adults who supervise children on work experience

- Schools and colleges organising work experience placements will ensure that policies and procedures are in place to protect children from harm.

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The school will consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be:

- unsupervised; and
- providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the school will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

Schools in the Trust are not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience. If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school within the Trust, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years of age or over, the work experience provider will consider whether a DBS enhanced check will be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

### **Children staying with host families**

Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour. Such arrangements could amount to "private fostering" under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both. See Annex E of KCSIE 2016 for further details.

### **Fierté Trust Board Duty of Care**

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

### **Initial considerations**

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local

authority children's social care services. In these cases, local arrangements will be followed to resolve cases without delay.

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

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

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

In the first instance, the headteacher or C.E.O, or where the headteacher or C.E.O is the subject of an allegation, the Chair of Governors, Chair of the Trust Board ( Mrs Vicki Blundell) will immediately discuss the allegation with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action. The designated officer(s) may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager will discuss the allegations with the designated officer(s) in order to help determine whether police involvement is necessary.

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

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

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

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

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) will discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation will normally be undertaken by a senior member of the school within the Trust's staff.

However, in other circumstances, such as lack of appropriate resource within the school, or the nature or complexity of the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that maintained schools and colleges can buy in from the authority.

### **Supporting those involved**

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

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

Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers will also be kept

informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome in confidence.

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

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

### **Confidentiality**

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

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

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

The case manager will take advice from the designated officer(s), police and children's social care services to agree the following:

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

### **Managing the situation and exit arrangements within the Fierté Trust**

#### **Resignations and 'settlement agreements'**

If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met – see paragraph 120. If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement. A settlement/compromise agreement which prevents the school within the Trust from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the school will not be complying with its legal duty to make the referral.

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

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

### **Record keeping**

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

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

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

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

### **Timescales**

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

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

### **Oversight and monitoring**

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

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

- liaising with the designated officer(s);
- taking part in the strategy discussion or initial evaluation;

- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

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

## **Suspension**

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

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

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

- redeployment within the school within the Trust so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children; redeploying to alternative work in the school within the Trust so the individual does not have unsupervised access to children;

- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school within the Trust or work for the local authority or academy trust.

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

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by both the case manager and the designated officer(s). This will also include what alternatives to suspension have been considered and why they were rejected.

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

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

### **Information sharing**

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

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

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

### **Further information on a child missing from education**

(The government recently consulted on plans to amend regulations from September 2016, to improve information sharing between schools and LAs to help identify children missing education and help protect children from potential harm. This section will be updated to reflect any changes that are made before September 5 2016.)

All children, regardless of their circumstances, are entitled to a full time education which is suitable to their age, ability, aptitude and any special educational needs they may have. Local authorities have a duty to establish, as far as it is possible to do so, the identity of children of compulsory school age who are missing education in their area.

A child going missing from education is a potential indicator of abuse or neglect. Schools in the Trust will follow the school's procedures for unauthorised absence and for dealing with children that go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation, and to help prevent the risks of their going missing in future.

Schools in the Trust have put in place appropriate safeguarding policies, procedures and responses for children who go missing from education, particularly on repeat occasions. It is essential that all staff are alert to signs to look out for and the individual triggers to be aware of when considering the risks of potential safeguarding concerns such as travelling to conflict zones, Female Genital Mutilation and forced marriage.

### **Schools/ Academies in the Trust**

The law requires all schools to have an admission register and, with the exception of schools where all pupils are boarders, an attendance register. All pupils will be placed on both registers.

All schools will inform their local authority of any pupil who is going to be removed from the admission register where the pupil:

- has been taken out of school by their parents and the school has received written notification from the parent they are being educated outside the school system e.g. home education;
- has ceased to attend school and no longer lives within reasonable distance of the school at which they are registered; ( Tamworth or Burton-on-Trent)
- has been certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he/she nor his/her parent has indicated the intention to continue to attend the school after ceasing to be of compulsory school age;
- are in custody for a period of more than four months due to a final court order and the proprietor does not reasonably believe they will be returning to the school at the end of that period; or,
- have been permanently excluded.

The local authority will be notified when a school is to remove a pupil from its register for any of the five grounds above. This will be done as soon as these grounds for removal from the register are met, and in any event no later than removing the pupil's name from the register.

All schools will inform the local authority of any pupil who fails to attend school regularly, or has been absent without the school's permission for a continuous period of 10 school days or more, at such intervals as are agreed between the school and the local authority.

### **Further information on child sexual exploitation ( local context concerns)**

- Child sexual exploitation is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation does not always involve physical contact and can happen online. A significant number of children who are victims of sexual exploitation go missing from home, care and education at some point. Some of the following signs may be indicators of sexual exploitation:
- Children who associate with other young people involved in exploitation;
- Children who appear with unexplained gifts or new possessions;
- Children who have older boyfriends or girlfriends;
- Children who suffer from sexually transmitted infections or become pregnant;
- Children who suffer from changes in emotional well-being;
- Children who misuse drugs and alcohol;
- Children who go missing for periods of time or regularly come home late; and
- Children who regularly miss school or education or do not take part in education.

### **Further information on so- called 'honour based' violence**

So-called 'honour-based' violence (HBV) encompasses crimes which have been committed to protect or defend the honour of the family and/or the community, including Female Genital Mutilation (FGM), forced marriage, and practices such as breast ironing. All forms of so called HBV are abuse (regardless of the motivation) and will be handled and escalated as such. If in any doubts staff will speak to the designated safeguarding lead. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a child being at risk of HBV, or already having suffered HBV.

### **Indicators**

There are a range of potential indicators that a child may be at risk of HBV. Guidance on the warning signs that FGM or forced marriage may be about to take place, or may have already taken place, can be found on pages 38-41 of *the Multi agency statutory guidance on FGM* (pages 59-61 focus on the role of schools and colleges) and pages 13-14 of *the Multi-agency guidelines: Handling case of forced marriage*.

### **Actions**

If staff in the Trust have a concern regarding a child that might be at risk of HBV they will activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with police and children's social care. Where FGM has taken place,

since 31 October 2015 there has been a mandatory reporting duty placed on teachers that requires a different approach (see following section).

### **FGM mandatory reporting duty**

FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences.

- 1 Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon teachers along with regulated health and social care professionals in England and Wales, 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 will 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. Information on when and how to make a report can be found at-

#### **Mandatory reporting of female genital mutilation procedural information**

Teachers must personally report to the police cases where they discover that an act of FGM appears to have been carried out.<sup>74</sup> Unless the teacher has a good reason not to, they will also still consider and discuss any such case with the school within the Trust’s designated safeguarding lead and involve children’s social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. where the teacher does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, teachers will follow local safeguarding procedures. The following is a useful summary of the FGM mandatory reporting duty: FGM Fact Sheet

#### **Forced marriage**

Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter into a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some communities use religion and culture as a way to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage.

The Forced Marriage Unit has published Multi-agency guidelines, with pages 32-36 focusing on the role of schools and colleges. School and college staff can contact the Forced Marriage Unit if they need advice or information. Contact: 020 7008 0151 or email: [fmf@fco.gov.uk](mailto:fmf@fco.gov.uk).

#### **Further information on preventing radicalisation**

Protecting children from the risk of radicalisation is seen as part of the Trusts wider safeguarding duties, and is similar in nature to protecting children from other forms of

harm and abuse. During the process of radicalisation it is possible to intervene to prevent vulnerable people being radicalised.

Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism. There is no single way of identifying an individual who is likely to be susceptible to an extremist ideology. It can happen in many different ways and settings. Specific background factors may contribute to vulnerability which are often combined with specific influences such as family, friends or online, and with specific needs for which an extremist or terrorist group may appear to provide an answer. The internet and the use of social media in particular has become a major factor in the radicalisation of young people.

As with other safeguarding risks, staff will be alert to changes in children's behaviour which could indicate that they may be in need of help or protection. Staff will use their judgement in identifying children who might be at risk of radicalisation and act proportionately which may include making a referral to the Channel programme.

### **Prevent**

From 1 July 2015 specified authorities, including all schools (and since 18 September 2015 all colleges) as defined in the summary of this guidance, are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015 ("the CTSA 2015"), in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the Prevent duty. It applies to a wide range of public-facing bodies. Bodies to which the duty applies must have regard to statutory guidance issued under section 29 of the CTSA 2015. Paragraphs 57-76 of the Revised Prevent duty guidance: for England and Wales are specifically concerned with schools (but also cover childcare). There is separate guidance: **Prevent duty guidance**: for further education institutions in England and Wales that applies to colleges.

The statutory "Revised Prevent duty guidance: for England and Wales" (for schools) summarises the requirements on schools in terms of four general themes:

Schools are expected to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. This means being able to demonstrate both a general understanding of the risks affecting children and young people in the area and a specific understanding of how to identify individual children who may be at risk of radicalisation and what to do to support them. Schools will have clear procedures in place for protecting children at risk of radicalisation. These procedures may be set out in existing safeguarding policies. It is not necessary for schools to have distinct policies on implementing the Prevent duty. The Prevent duty builds on existing local partnership arrangements. For example, Governing bodies of all schools will ensure that their safeguarding arrangements take into account the policies and procedures of the Local Safeguarding Children Board. Effective engagement with parents / the family will also be considered as they are in a key position to spot signs of radicalisation. It is important to assist and advise families who raise concerns and be able to point them to the right support mechanisms. Schools will also discuss any concerns in relation to possible radicalisation with a child's parents in line with the individual school's safeguarding policies and procedures unless they have specific reason to believe that to do so would put the child at risk.

- The Prevent guidance refers to the importance of Prevent awareness training to equip staff to identify children at risk of being drawn into terrorism and to challenge extremist ideas. Individual schools are best placed to assess the training needs of staff in the light of their assessment of the risk to pupils at the school of being drawn into terrorism. As a

minimum, however, schools will ensure that the designated safeguarding lead undertakes Prevent awareness training and is able to provide advice and support to staff on protecting children from the risk of radicalisation.

- Schools must ensure that children are safe from terrorist and extremist material when accessing the internet in schools.

The Department for Education has also published advice for schools on the Prevent duty. The advice is intended to complement the Prevent guidance and signposts other sources of advice and support. The Government has launched educate against hate, a website designed to equip school and college leaders, teachers and parents with the information, tools and resources they need to recognise and address extremism and radicalisation in young people. The website provides information on training resources for teachers, staff and school and college leaders, such as Prevent e-learning, via the Prevent Training catalogue.

### **Channel**

School staff will understand when it is appropriate to make a referral to the Channel programme. Channel guidance is available at: [Channel guidance](#). E-learning channel awareness programme for staff is available at: [Channel General Awareness](#). Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. It provides a mechanism for schools to make referrals if they are concerned that an individual might be vulnerable to radicalisation. An individual's engagement with the programme is entirely voluntary at all stages. In addition to information sharing, if a staff member makes a referral to Channel, they may be asked to attend a Channel panel to discuss the individual referred to determine whether support is required.

Section 36 of the CTSA 2015 places a duty on local authorities to ensure Channel panels are in place. The panel must be chaired by the local authority and include the police for the relevant local authority area. Following a referral the panel will assess the extent to which identified individuals are vulnerable to being drawn into terrorism, and, where considered appropriate and necessary consent is obtained, arrange for support to be provided to those individuals. Section 38 of the CTSA 2015 requires partners of Channel panels to co-operate with the panel in the carrying out of its functions and with the police in providing information about a referred individual.

### **Online safety**

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

The breadth of issues classified within online safety is considerable, but can be categorised into three areas of risk:

- content: being exposed to illegal, inappropriate or harmful material
- contact: being subjected to harmful online interaction with other users
- conduct: personal online behaviour that increases the likelihood of, or causes, harm

## Filters and monitoring

Governing bodies and the Trust Board will be doing all that they reasonably can to limit children's exposure to the above risks from the school within the Trusts IT system. As part of this process Governing bodies will ensure their school has appropriate filters and monitoring systems in place. Whilst considering their responsibility to safeguard and promote the welfare of children, and provide them a safe environment in which to learn, the Trust will consider the age range of their pupils, the number of pupils, how often they access the schools IT system and the proportionality of costs Vs risks.

The appropriateness of any filters and monitoring systems are a matter for individual schools and colleges and will be informed in part by the risk assessment required by the Prevent Duty.<sup>81</sup>

The UK Safer Internet Centre has published guidance as to what "appropriate" might look like:

- UK Safer Internet Centre: appropriate filtering and monitoring
- 2 Whilst filtering and monitoring are an important part of the online safety picture for schools and colleges to consider, it is only one part. Governors and the Trust board will consider a whole school/ Trust approach to online safety. This includes a clear policy on the use of mobile technology in the school. Many children have unlimited and unrestricted access to the internet via 3G and 4G in particular and the Trust will carefully consider how this is managed on their premises.
- 3 The Trust acknowledges the importance of ensuring that appropriate filters and monitoring systems are in place; they will be careful that "over blocking" does not lead to unreasonable restrictions as to what children can be taught with regards to online teaching and safeguarding.
- 4 Staff training

The Trust Board will ensure that as part of the requirement for staff to undergo regularly updated safeguarding training (paragraph 64 K.C.S.I.E) and the requirement to ensure children are taught about safeguarding, including online (paragraph 68 K.C.S.I.E), that online safety training for staff is integrated, aligned and considered as part of the overarching safeguarding approach.

- 5 Information and support
- 6 [www.thinkuknow.co.uk](http://www.thinkuknow.co.uk)
- 7 [www.disrespectnobody.co.uk](http://www.disrespectnobody.co.uk)
- 8 [www.saferinternet.org.uk](http://www.saferinternet.org.uk)
- 9 [www.internetmatters.org](http://www.internetmatters.org)
- 10 [www.pshe-association.org.uk](http://www.pshe-association.org.uk)
- 11 [educateagainsthate.com](http://educateagainsthate.com)

[www.gov.uk/government/publications/the-use-of-social-media-for-online-radicalisation](http://www.gov.uk/government/publications/the-use-of-social-media-for-online-radicalisation).

Annex F: Statutory guidance – regulated activity (children) - Supervision of activity with children which is regulated activity when unsupervised.

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

- 12 • there must be supervision by a person who is in regulated activity.
- 13 • the supervision must be regular and day to day; and
- 14 • the supervision must be “reasonable in all the circumstances to ensure the protection of children”.
- 15 The Trust have regard to this guidance. This will give the Trust the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

### **PSHE education and safeguarding**

Teaching about safety and relationships as part of PSHE education contributes to how schools approach the safeguarding of pupils. It helps them to recognise when they and others are at risk and equips them with the skills, strategies and language they need to take appropriate action. This is crucial to fulfilling statutory duties in relation to safeguarding pupils as well as to meeting Ofsted expectations. Age-appropriate SRE is also taught to all pupils. The Trust also supports teaching about safety and relationships through- Forest/ Farm weeks, Educational visits and trips, community agencies ( anti-bullying, Bikeability, Scooter ability)

### **Resources**

Section 175 /157 of the Education Act 2002 puts an explicit duty on Governing Bodies to ensure their functions are exercised with a view to safeguarding and promoting the welfare of pupils. The governing body will therefore ensure that sufficient resources are made available to enable the necessary tasks to be carried out properly under Staffordshire Safeguarding Children Board procedures including attending meetings, collating and writing assessment reports, and staff training. The Governing Body will also ensure that all Governors have an understanding of safeguarding issues and the policies and procedures that are in place in school to safeguard and promote the welfare of all pupils in the school. Safeguarding awareness will be addressed through the curriculum as appropriate to ensure all the pupils understand what is meant by safeguarding and how they can be safe.

### **Key documents referred to and underpinning this policy are:**

- ‘Working Together to Safeguard Children’ 2013 (DfE)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/281368/Working\\_together\\_to\\_safeguard\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281368/Working_together_to_safeguard_children.pdf)

- Staffordshire Safeguarding Children Board Procedures (online)  
[www.staffsscb.org.uk/professionals/procedures/](http://www.staffsscb.org.uk/professionals/procedures/)
- Staffordshire Safeguarding Children Board Training Catalogue (online)  
[www.staffsscb.org.uk/professionals/Inter-Agencytraining/events/](http://www.staffsscb.org.uk/professionals/Inter-Agencytraining/events/)
- Keeping children safe in education April 2014  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300309/KCSIE\\_gdnce\\_FINAL.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300309/KCSIE_gdnce_FINAL.pdf)
- Staffordshire Policy and guidance on the use of Restrictive Physical Interventions (including restraint) in mainstream schools
- The Children Act 1989 and 2004
- Education Act 2002
- Glascote Academy Whistle Blowing policy (on SSCB website  
[www.staffsscb.org.uk](http://www.staffsscb.org.uk))
- Staffordshire e-safety Tool Kit
- Staffordshire Entrust Guidance 'Early Years Mobile Phone and Camera toolkit'  
[Staffordshire Education Safeguarding Advice](#) –

### **Links with other school policies**

- This policy document will also be considered within the context of other policies and documents relating to our work with children and young people. (These include, policies/procedures concerning drug and alcohol abuse, domestic violence, neglect and families where there are mental health concerns, the PSHE curriculum.
- You can access Education specific guidance about [Safeguarding](#) by following the link.

### **The Designated Safeguarding Lead in:**

**Fierté Academy: Mr Richard Burns**  
**Glascote Academy : Mrs Maria Hamblin**  
**Anker Moor Academy: Mr Richard Burns**

### **The Deputy Designated Safeguarding Lead(s) in this school / college is/are : Mrs**

**Fierté Academy: Mr Richard Burns**  
**Glascote Academy : Penny Andrews – SENCO**  
**Anker Moor Academy:**

### **The Nominated Governor for Safeguarding is:**

**Fierté Trust Board: Mrs Vicki Blundell**  
**Glascote Academy : Mrs Vicki Blundell**  
**Anker Moor Academy: Mrs Julia Kirkam**

### **The Chair of Governors is: Mrs Vicki Blundell**

ADOPTED BY GOVERNORS ON; September 2017 (date)

REVIEW September 2018 (date)

Further advice on Safeguarding matters can also be obtained from:

First Response Team including LADO advice (0800 1313126).

Emergency Duty Team (for out of office hours referrals for children) 0845 6042886

LST (01827475555 )

Staffordshire County Council - Education Safeguarding Advice Service 01785 895836;

Email [esas@staffordshire.gov.uk](mailto:esas@staffordshire.gov.uk)

Website [Staffordshire Education Safeguarding Advice](#)