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## Early Help and Safeguarding Policy

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Agreed by Directors: January 2019

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## Table of Contents

<b>Introduction.....</b>	<b>4</b>	3
Aims		4
<b>Key Contacts .....</b>	<b>5</b>	
<b>Roles and Responsibilities .....</b>	<b>6</b>	5
All Members of Staff...		
The Designated Safeguarding Lead (DSL)...		
<b>Types of Abuse and Neglect and Specific Safeguarding Concerns</b>	<b>8</b>	
Abuse		8
Physical Abuse		
Emotional Abuse		
Sexual Abuse		8
Bullying (Including Online Bullying)		
Children Missing from Education		
Young people at risk from gang activity or serious youth violence		
Modern slavery and trafficked children		
Child Sexual Exploitation		
Female Genital Mutilation (FGM) and so-called “Honour Based” Violence (HBV)		
Forced Marriage		
Preventing Radicalisation		
Domestic Abuse, Sexual Violence, Sexual Harrassment including Peer on Peer Abuse		
Vulnerable Groups		
Looked after children and previously looked after children		
Privately fostered children		
Young carers		
Alternative Provision		21
Children with special educational needs and disabilities		
<b>Early Help Procedures .....</b>	<b>24</b>	
Stage One - Universal services for all children, young people and their families		
Stage Two - Targeted early help for vulnerable children and families		26
Early Help Assessment		
Team Around the Family		

Lead Professional

<b>Child Protection Procedures.....</b>	<b>30</b>
Taking Action	
If a child discloses information to a member of staff	
Notifying Parents and Gaining Consent	
Referral to Merton Multi-Agency Safeguarding Hub (MASH)	31
Record Keeping	
Confidentiality and sharing information	
<b>Online Safety .....</b>	<b>35</b>
Filters and monitoring	
Staff training	
Information and support	
<b>Safer Recruitment (In reference to Keeping Children Safe in Education).....</b>	<b>37</b>
Recruitment, Selection and Pre-Employment Vetting	
Pre-appointment checks	48
Single central record	50
( Reference: <a href="https://teacherservices.education.gov.uk/">https://teacherservices.education.gov.uk/</a> )	
Allegations of abuse made against teachers and other staff	
Managing the situation and exit arrangements	
Specific actions	
<b>Annex A - Statutory guidance – regulated activity (children) - Supervision of activity with children which is regulated activity when unsupervised. ....</b>	<b>53</b>
Regulated activity	
<b>General.....</b>	<b>56</b>
<b>Using activity centres and other external providers.....</b>	<b>56</b>
<b>Staff/Volunteers .....</b>	<b>56</b>

# Introduction

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Chipstead Valley Primary School, Beechholme Primary, Keston Primary and New Valley Primary form the '**PACE Academy Trust**'.

This policy, for [named PACE school], aims to provide all members of staff (paid and unpaid), children and young people, and their families with a clear and secure framework for ensuring that all children in the schools are protected from harm, both while at school and when off the school's premises.

Our schools believe that safeguarding and promoting the welfare of children is everyone's responsibility. Every member of staff who comes into contact with children and their families has a role to play in safeguarding children. In order to fulfil this responsibility, every member of staff is instructed to take a "Child Centered" approach, considering at all times what is in the **best interests of the child**.

Our schools will ensure that all children are safeguarded by actively encouraging members of staff to maintain a culture of vigilance and work together proactively with children and families who may need help, and for this to happen as soon as possible so that children are protected from any further emotional and physical harm.

This policy has been written with reference to the following local and statutory guidance:

- Keeping Children Safe in Education (September 2018)
- Working Together to Safeguard Children (March 2015)
- London Child Protection Procedures (March 2016)
- Operational Guidance (June 2014) Merton early Help Guide for Practitioners (2016)
- Information Sharing (March 2015)

Our school procedures for safeguarding children will always be compliant with the London Child Protection Procedures, 2016, produced by the London Safeguarding Children Board.

## Aims

To ensure our school safeguards and promotes the welfare of all children, we are committed to achieving the following aims:

1. To provide all staff with the necessary professional development opportunities to enable them to identify children who may benefit from early help, to work with children and their families to bring about positive change, and how to take appropriate action to safeguard children when necessary;
2. To ensure all our policies, procedures and practices are designed with regard to this Early Help and Child Protection Policy, ensuring compliance and consistency across the school environment;
3. To seek opportunities to work together with those voluntary and statutory services who share our commitment to providing early help for children and families;
4. To ensure that all children are made aware of the risks they may face both inside and outside of school, and what they can do to keep themselves and others safe.

- To provide parent/carers with access to information that helps them be aware of the risks their children may face both inside and outside of school, and what they can do to help them keep their children safe.

## Key Contacts

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Position	Name	Contact Details (email/phone)
Designated Safeguarding Lead		
Deputy Designated Safeguarding Lead		
Designated Governor for Early Help and Child Protection		
Locality Early Help Advisor	Leslie Ramos	<a href="mailto:Leslie.ramos@merton.gov.uk">Leslie.ramos@merton.gov.uk</a> Tel: 0208 545 3385 Mob: 07814635358 <a href="mailto:Vct.duty@merton.gov.uk">Vct.duty@merton.gov.uk</a> 0208 545 3343
Multi-Agency Safeguarding Hub (MASH)	Consultation Line	Tel: 0208 545 4226/7 Tel: Out of hours 0208 770 5000
Local Authority Designated Officer (LADO)	Dawn Haughton	<a href="mailto:lado@merton.gov.uk">lado@merton.gov.uk</a> Tel: 0208 545 3179/3187
Multi-Agency Safeguarding Hub (MASH) Education Officer	Kay Dove	<a href="mailto:Kay.Dove@merton.gov.uk">Kay.Dove@merton.gov.uk</a> 0208 545 4249
Lead Officer – Education Safeguarding and School Attendance		
Manager of Vulnerable Children's Team Merton	Liz Fajemisin	<a href="mailto:liz.fajemisin@merton.gov.uk">liz.fajemisin@merton.gov.uk</a> Tel: 0208 545 3374 / 07837584102
Accessing Early Help Assessment and guidance online	<a href="http://www.merton.gov.uk/health-social-care/children-family-health-social-care/safeguardingchildren/lscb/lscbprof/isa/mwbm.htm">http://www.merton.gov.uk/health-social-care/children-family-health-social-care/safeguardingchildren/lscb/lscbprof/isa/mwbm.htm</a>	
Making a MASH Safeguarding Referral	<a href="http://www.merton.gov.uk/casa-forms">www.merton.gov.uk/casa-forms</a>	

# Roles and Responsibilities

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All members of staff within our school have a role to play in safeguarding and promoting the welfare of children. Specific members of staff also have additional roles and responsibilities too. This section outlines the Trust's expectations of our staff.

## All Members of Staff...

- have a responsibility to provide a safe environment in which children can learn;
- should be prepared to identify children who may benefit from early help;
- who become concerned about a child's welfare should follow the processes set out in page 25. Staff may be required to support social workers and other agencies following any referral;
- must adhere to the Teachers' Standards 2012, which state that teachers, including headteachers, should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties;
- should be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction. This should include:
  - this Early Help and Child Protection policy;
  - the staff Code of Conduct;
  - Advice and expectations for safer working practice;
  - the role of the designated safeguarding lead;
- will be given copies of the above policies as well as part one of ***Keeping Children Safe in Education and Annex A*** as part of their induction process, as well as ensuring these polices can be accessed easily via the staff intranet and safeguarding boards;
- should receive appropriate safeguarding and child protection training which is regularly updated. In addition, all staff members should receive early help 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;
- should 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;
- should know what to do if a child tells them he/she is being abused or neglected; Staff should know how to manage the requirement to maintain an appropriate level of confidentiality whilst at the same time liaising with relevant professionals such as the designated safeguarding lead and children's social care. Staff should never promise a child that they will not tell anyone about an allegation- as this may ultimately not be in the best interests of the child;
- should be aware of the signs of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Types of abuse and neglect, and examples of safeguarding issues are described on pages 7 to 18;
- 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 should always act in the **best interests of the child**;

- should always speak to the designated safeguarding lead if they are unsure about identifying abuse and neglect;
- should maintain records about any concerns they have about a child. More information on record keeping is provided on page 26

## The Designated Safeguarding Lead (DSL)...

### Designated Safeguarding Lead

- is an appropriate senior member of staff from the school's leadership team;
- will have this role specified in their job description and the lead responsibility should not be delegated
- is supported by another DSL or Deputy Safeguarding Lead;
- takes lead responsibility for Early Help, Safeguarding and Child Protection within the school;
- liaises with Merton Council and works with other agencies in line with ***Working Together to Safeguard Children***;
- (and or the deputy) should always be available (during school or college hours) for staff in the school to discuss any safeguarding concerns;
- undergoes training to provide them with the knowledge and skills required to carry out the role. The training will be updated at least every two years;
- will be given the opportunity to attend the Designated Safeguarding Lead's Forum, and time to read new and updated research and briefings on safeguarding developments;
- has an understanding of Merton Safeguarding Children Board procedures;
- Know about the signs and symptoms of abuse and know how abusers behave,
- keeps written records of all concerns when noted and reported by staff or when disclosed by a child, ensuring that such records are stored securely and reported onward in accordance with this policy guidance, but kept separately from the child's general file;
- Consults initially with a statutory child protection agency; such as the local children's social care teams or the NSPCC's child protection helpline (0808 800 5000), to talk about any doubts or uncertainty.
- Makes a formal referral to a statutory child protection agency or police as necessary,
- notifies children's social care if a child with a child protection plan is absent for more than two days without explanation;
- ensures that when a child with a child protection plan leaves the school, their information is passed to their new school and the child's social worker is informed;
- attends and/or contributes to child protection conferences in accordance with local procedure and guidance;
- ensures that all staff sign to indicate that they have read and understood this policy;
- ensures that the child protection policy is updated annually;
- keeps a record of staff attendance at early help and child protection training;
- makes this policy available to parents;
- The deputy designated safeguarding lead(s) is appropriately trained and, in the absence of the designated person, carries out those functions necessary to ensure the ongoing safety and protection of children. In the event of the long-term absence of the designated person, the deputy will assume all the functions above.

### The Headteacher/ Head of School

- ensures that the safeguarding and child protection policy and procedures are implemented and followed by all staff
- allocates sufficient time and resources to enable the DSL and deputy to carry out their roles effectively, including the assessment of pupils and attendance at strategy discussions and other necessary meetings;
- ensures that all staff feel able to raise concerns about poor or unsafe practice and that such concerns are handled sensitively and in accordance with the school's whistle blowing procedures;
- ensures that child's safety and welfare is addressed through the curriculum;
- ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities as set out in Part one of KCSIE.

**The Governing Body (through the Designated Governor for Safeguarding and Child Protection) ensures that the school has...**

- a Designated Safeguarding Lead for early help and child protection who is a member of the senior leadership team and who has undertaken the approved Croydon/Merton Safeguarding Children Boarding training for Designated Safeguarding Leads;
- safeguarding and child protection policy and procedures that are consistent with CSCB requirements, reviewed annually and made available to parents on request;
- procedures for dealing with allegations of abuse made against members of staff including allegations made against the head teacher;
- safer recruitment procedures that include the requirement for appropriate checks in line with national guidance;
- a training strategy that ensures all staff, including the headteacher, receive early help and child protection training, with refresher training at regular intervals. The DSL should receive refresher training at two yearly intervals;
- arrangements to ensure that all temporary staff and volunteers are made aware of the school's arrangements for early help and child protection;
- a member of the governing body (normally the chair) to be responsible for liaising with the local authority and other agencies in the event of an allegation being made against the headteacher;
- completed the Annual Section 11 Audit of School Safeguarding Practice provided by the CSCB Education Sub-Group. This audit will be discussed and signed off by the governing body before submission to the CSCB. Any weaknesses or areas of concern will be rectified without delay.
- ensure children are taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum.
- utilise 'the experiences and expertise of their staff when shaping safeguarding policies' and provide opportunity provided for staff to contribute to and shape safeguarding arrangements and child protection policy.

**The member of staff responsible for Looked After Children, should cross-reference with 'The designated teacher for looked after and previously looked after children: statutory guidance on their roles and responsibilities (2017)**

#### **What school staff should do if they have concerns about safeguarding practices within the school**

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team. Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies are in place for such concerns to be raised with the school senior leadership team.

Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may 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)

## **Types of Abuse and Neglect and Specific Safeguarding Concerns**

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All members of staff should 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. Individual indicators will rarely, in isolation, provide conclusive evidence of abuse. They should be viewed as part of a jigsaw,

and each small piece of information will help the DSL to decide how to proceed. It is very important that members of staff report concerns – they do not need ‘absolute proof’ that the child is at risk.

## **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**

A form of abuse which 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.

Bumps and bruises don't necessarily mean a child is being physically abused – all children have accidents, trips and falls.

There's isn't one sign or symptom to look out for that will say a child is definitely being physically abused. But if a child often has injuries, there seems to be a pattern, or the explanation doesn't match the injury then this should be investigated.

### **Bruises**

- commonly on the head but also on the ear or neck or soft areas - the abdomen, back and buttocks
- defensive wounds commonly on the forearm, upper arm, back of the leg, hands or feet
- clusters of bruises on the upper arm, outside of the thigh or on the body
- bruises with dots of blood under the skin
- a bruised scalp and swollen eyes from hair being pulled violently
- bruises in the shape of a hand or object.

### **Burns or Scalds**

- can be from hot liquids, hot objects, flames, chemicals or electricity
- on the hands, back, shoulders or buttocks; scalds may be on lower limbs, both arms and/or both legs
- a clear edge to the burn or scald
- sometimes in the shape of an implement for example, a circular cigarette burn
- multiple burns or scalds.

### **Bite Marks**

- usually oval or circular in shape
- visible wounds, indentations or bruising from individual teeth.

### **Fractures or Broken Bones**

- fractures to the ribs or the leg bones in babies
- multiple fractures or breaks at different stages of healing

### **Other Injuries & Health Problems**

- scarring
- effects of poisoning such as vomiting, drowsiness or seizures

- respiratory problems from drowning, suffocation or poisoning

## **Emotional Abuse**

The persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child 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 a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), 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, although it may occur alone.

There often aren't any obvious physical symptoms of emotional abuse or neglect but you may spot signs in a child's actions or emotions.

Changes in emotions are a normal part of growing up, so it can be really difficult to tell if a child is being emotionally abused.

Young children who are being emotionally abused or neglected may:

- be overly-affectionate towards strangers or people they haven't known for very long
- lack confidence or become wary or anxious
- not appear to have a close relationship with their parent, e.g. when being taken to or collected from nursery etc.
- be aggressive or nasty towards other children and animals.

Older children may:

- use language, act in a way or know about things that you wouldn't expect them to know for their age
- struggle to control strong emotions or have extreme outbursts
- seem isolated from their parents
- lack social skills or have few, if any, friends.

## **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 (for example 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 images, watching sexual activities, 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.

Children who are sexually abused may:

<b>Stay away from certain people</b>	<b>Show sexual behaviour that's inappropriate for their age</b>	<b>Have physical symptoms</b>
<ul style="list-style-type: none"><li>• they might avoid being alone with people, such as family members or friends</li><li>• they could seem frightened of a person or reluctant to socialise with them.</li></ul>	<ul style="list-style-type: none"><li>• a child might become sexually active at a young age</li><li>• they might be promiscuous</li><li>• they could use sexual language or know information that <u>you wouldn't expect them to.</u></li></ul>	<ul style="list-style-type: none"><li>• anal or vaginal soreness</li><li>• an unusual discharge</li><li>• sexually transmitted infection (STI)</li><li>• pregnancy.</li></ul>

## Neglect

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); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Neglect can be really difficult to identify, making it hard for professionals to take early action to protect a child. Having one of the signs or symptoms below doesn't necessarily mean that a child is being neglected. But if you notice multiple, or persistent, signs then it could indicate there's a serious problem.

Children who are neglected may have:

### Poor Appearance and Hygiene Issues

- be smelly or dirty
- have unwashed clothes
- have inadequate clothing, e.g. not having a winter coat
- seem hungry or turn up to school without having breakfast or any lunch money
- have frequent and untreated nappy rash in infants.

### Housing and Family Issues

- living in an unsuitable home environment for example dog mess being left or not having any heating
- left alone for a long time
- taking on the role of carer for other family members.

### Health and Development Problems

- untreated injuries, medical and dental issues
- repeated accidental injuries caused by lack of supervision
- recurring illnesses or infections

- skin sores, rashes, flea bites, scabies or ringworm
- thin or swollen tummy
- anaemia

- not been given appropriate medicines
- missed medical appointments such as vaccinations
- poor muscle tone or prominent joints
- tiredness
- faltering weight or growth and not reaching developmental milestones (known as failure to thrive)
- poor language, communication or social skills.

## Bullying (Including Online Bullying)

While bullying between children is not a separate category of abuse and neglect, it is a very serious issue that can cause considerable anxiety and distress. At its most serious level, bullying is thought to result in up to 12 child suicides each year. All incidences of bullying should be reported and will be managed through our behaviour and anti-bullying procedures. All pupils and parents receive a copy of the anti-bullying procedures on joining the school and have access to it via the school website. The subject of bullying is addressed at regular intervals in the personal, social and health education (PSHE) curriculum. If the bullying is particularly serious, or the anti-bullying procedures are deemed to be ineffective, the head teacher and the DSL will consider implementing child protection procedures.

A child may be experiencing abuse online if they:

- spend lots, much more or much less time online, texting, gaming or using social media
- are withdrawn, upset or outraged after using the internet or texting
- are secretive about who they're talking to and what they're doing online or on their mobile phone
- have lots of new phone numbers, texts or e-mail addresses on their mobile phone, laptop or tablet.

## Specific Safeguarding Issues

Children are also impacted by specific safeguarding issues, which are events which encompass all of the above types of abuse. These issues are further compounded by children exhibiting behaviours such as drug taking, alcohol abuse, absence from school, and sexting. Peer on Peer abuse is also an indicator that children may be exposed to bullying (including online bullying), gender based violence/sexual abuse and sexting. Members of staff will challenge peer on peer abuse in conjunction with the DSL, Local Authority, Police and Parent/Carers.

## Children Missing from Education

**A Child Missing from Education (CME)** is defined by the Department for Education (DfE) as "a child of compulsory school age who is not on a school roll, nor being educated otherwise (e.g. privately or in alternative provision) and who has been out of any educational provision for a substantial period of time (usually four weeks or more)."

A child going missing from education is a potential indicator of abuse or neglect. Members of staff will follow the school's attendance policy, early help and safeguarding policy and Merton's Children Missing from Education policy, particularly when children are absent without reason 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. It is also 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. Merton's Children Missing from Education policy provides information on what to consider when a school is informed that a family is going abroad (page 7).

For schools in Merton, referrals for CME are accepted after 20 working days of reasonable checks being carried out by the school and the Designated Safeguarding Lead. All schools are legally required to provide this information, as well as the details of any child joining or leaving the school during the year.



Merton's policy on Children Missing from Education can be found online [http://www.merton.gov.uk/cme\\_policy\\_2017\\_final.pdf](http://www.merton.gov.uk/cme_policy_2017_final.pdf)

## **Young people at risk from gang activity or serious youth violence**

Schools in the PACE Academy Trust are a source of safety and security for many young people. Supporting young people to build resilience and raise their awareness of the risks associated with gangs and serious youth violence is key to helping keep young people safe in their communities.

Staff should be aware of the indicators which may signal that children are at risk from, or are involved with serious violent crime. may include:

- Increased absence
- Change in friendship groups
- Relationships with older individuals or groups
- Signs of self-harm or significant change in wellbeing
- Signs of assault or unexplained injuries
- Unexplained gifts or new possessions

These may indicate involvement or approach by criminal networks or gangs.

Schools need to be alert to the possibility of children and young people bringing weapons onto their school site. There are various reasons why a young person may be carrying a weapon. These should be explored with the young person.

The police must be informed via 101 of any pupil found in possession or a weapon in school or any weapon that is found on the school site.

Preventing youth violence and gang involvement

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418131/Preventing\\_youth\\_violence\\_and\\_gang\\_involvement\\_v3\\_March2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418131/Preventing_youth_violence_and_gang_involvement_v3_March2015.pdf)

## **Modern slavery and trafficked children**

County lines is when children and young people travel out of London to sell drugs on behalf of adults in those localities. Those involved with county lines will often go missing for a few days at a time. Children and young people involved in county lines may be considered as having been trafficked and be victims of criminal exploitation.

If you become aware of child or young person who may be at risk a referral should be made to SPOC.

<https://www.gov.uk/government/publications/criminal-exploitation-of-children-and-vulnerable-adults-county-lines>

## **Child Sexual Exploitation**

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 appear with unexplained gifts or new possessions;
- Children who associate with other young people involved in exploitation;
- 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
- Children who regularly miss school or education or do not take part in education

Referrals in relation to concerns of CSE can be discussed via the MASH Consultation Line, but must be made via the online MASH Referral Form as per any normal safeguarding referral.



Merton's CSE protocol can be found via the Merton Safeguarding Children's Board website: [https://www.merton.gov.uk/cse\\_protocol](https://www.merton.gov.uk/cse_protocol)

## **Female Genital Mutilation (FGM) and so-called “Honour Based” Violence (HBV)**

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 should be handled and escalated as such. If in any doubts staff should speak to the Designated Safeguarding Lead.

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.

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.

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 should not be examining pupils, but the same definition of what is meant by “to discover that an act of FGM appears to have been carried out” is used for all professionals to whom this mandatory reporting duty applies.

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 should follow local safeguarding procedures.

A girl or woman who's had FGM may:

- have difficulty walking, sitting or standing
- spend longer than normal in the bathroom or toilet
- have unusual behaviour after an absence from school or college
- be particularly reluctant to undergo normal medical examinations
- ask for help, but may not be explicit about the problem due to embarrassment or fear.

Referrals in relation to concerns of HBV and CSE can be discussed via the MASH Consultation Line, but must be made via the online MASH Referral Form as per any normal safeguarding referral.



Multi agency statutory guidance on FGM:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/512906/Multi\\_Agency\\_Statutory\\_Guidance\\_on\\_FGM\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/512906/Multi_Agency_Statutory_Guidance_on_FGM_FINAL.pdf)

Multi-agency guidelines: Handling case of forced marriage:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/322307/HMG\\_MULTI\\_AGENCY\\_PRACTICE\\_GUIDELINE\\_S\\_v1\\_180614\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINE_S_v1_180614_FINAL.pdf)

The following is a useful summary of the FGM mandatory reporting duty:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/496415/6\\_1639\\_HO\\_SP\\_FGM\\_mandatory\\_reporting\\_Fact\\_sheet\\_Web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496415/6_1639_HO_SP_FGM_mandatory_reporting_Fact_sheet_Web.pdf)

## Breast Ironing

Breast Ironing is viewed as a form of protection for girls in making them appear younger thus reducing the likelihood of pregnancy practiced in African countries, notably Cameroon. Staff worried about the risk of breast ironing in their school should speak to the Designated Safeguarding Lead as soon as possible.

## 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. Our School can play an important role in safeguarding children from forced marriage.



Multi-agency practice guidelines: Handling cases of Forced Marriage:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/322307/HMG\\_MULTI\\_AGENCY\\_PRACTICE\\_GUIDELINE\\_S\\_v1\\_180614\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINE_S_v1_180614_FINAL.pdf)

Members of Staff can contact the Forced Marriage Unit if they need advice or information:

Telephone: 0207 008 0151 or Email: [fmu@fco.gov.uk](mailto:fmu@fco.gov.uk)

## Preventing Radicalisation

Protecting children from the risk of radicalisation is seen as part of schools' and colleges' 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 should be alert to changes in children's behaviour which could indicate that they may be in need of help or protection. Staff should 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.

Some examples of signs that a child may be at risk of radicalisation are:

- Being overly secretive about their online viewing – for example this is one of the core ways in which ISIS is known to communicate and recruit.
- Displaying feelings of isolation or expressions of an 'us and them' mentality – a sign of the sense of social isolation.
- Becoming more argumentative or domineering in their viewpoints, being quick to condemn those who disagree and ignoring views that contradict their own.
- Questioning their faith or identity.

- Downloading or promotion extremist content.
- Social isolation – losing interest in activities they used to enjoy, distancing themselves from friends and social groups.
- Altered appearance – change in style of dress and/or personal appearance.
- Abnormal routines, travel patterns or aspirations.

All schools 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”. The statutory “Revised Prevent duty guidance: for England and Wales” (for schools) summarises the requirements on schools in terms of four general themes. We will meet our requirements by:

1. Assessing the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology;
2. Ensuring our early help and safeguarding arrangements take into account the policies and procedures of the Local Safeguarding Children Board.
3. Promoting active engagement with parent/carers as they are in a key position to spot signs of radicalisation. We will assist and advise families who raise concerns and point them to the right support mechanisms. We will also discuss any concerns about possible radicalisation with a child’s parents in line with this policy unless we have specific reason to believe that to do so would put the child at risk.
4. Ensuring that as many members of staff as possible undertake preventing radicalisation training, with priority given to the Designated Safeguarding Lead.
5. Ensuring children are safe from terrorist and extremist material when access the internet in school.

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.

The MASH Consultation Line can be contacted for advice on making a referral to Channel, but any safeguarding referral must be made via the online MASH Referral Form.



The Prevent duty: Department for Education advice for schools and childcare providers:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439598/prevent-duty-departmental-advice-v6.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf)

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  
<http://educateagainsthate.com/>

Raising Awareness of the Prevent Duty – Free E-Learning accessed via:  
<https://www.elearning.prevent.homeoffice.gov.uk/>

Channel General Awareness – Free E-Learning accessed via:  
[http://course.ncalt.com/Channel\\_General\\_Awareness/01/index.html](http://course.ncalt.com/Channel_General_Awareness/01/index.html)

## **Domestic Abuse, Sexual Violence, Sexual Harrassment including Peer on Peer Abuse**

The Government's definition, amended in April 2013 to include 16 and 17 year olds, and coercive control is:

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

**Psychological**

**Physical**

**Sexual**

**Financial**

**Emotional**

Domestic abuse and sexual violence can have a huge impact on affected children and young people. It can affect their safety, health and wellbeing, educational attainment, family and peer relationships, and their ability to enjoy healthy, happy, respectful relationships in the future. It is likely that there will be young people and staff within our school who are experiencing or perpetrating domestic abuse or sexual violence. Our school is responsible for making sure its learners and staff are safe and healthy.

These issues affect men and women, but are mainly experienced by women and girls:

- 1.4 million women and 700,000 men aged 16-59 report experiencing incidents of domestic abuse in the past year, in England and Wales;
- younger women aged 16-24 are most at risk and a woman is killed every 2.4 days in the UK, with 148 UK women killed by men in 2014;
- 750,000 children and young people across the UK witness or experience domestic abuse every year and a significant proportion experience abuse in their own relationships;
- in a study by the NSPCC of young people in intimate relationships,
  - 25 per cent of the girls and 18 per cent of the boys experienced physical abuse;
  - 75 per cent of the girls and 14 per cent of the boys experienced emotional abuse; and
  - 33 per cent of the girls and 16 per cent of the boys experienced sexual abuse.

It found that not only do girls experience more abuse, but they also experience more severe abuse more frequently and suffer more negative impacts on their welfare, compared with boys.

This is why it is so important that everyone in a position of responsibility in our school is aware of, and committed to, a whole school approach to tackling domestic abuse and sexual violence.

It is important to always consider domestic and sexual abuse as a possible explanation for any unusual behaviour. The following signs and symptoms can be warning signs that a child or young person is experiencing domestic and sexual abuse.

- Persistent absence from school
- Eating disorders
- Early/unwanted pregnancy
- Anxiety

- Decline in behaviour, performance and engagement
- Self-harm
- Evidence that certain situation trigger memories of traumatic experiences
- Depression
- Isolation
- Evidence of control over movement
- Evidence of being monitored by family or other adults
- Substance misuse
- Attempted suicide

The Designated Safeguarding Lead will act as the first point of contact for any concerns about Domestic Abuse and Sexual Violence, including Peer on Peer Abuse. Our Designated Safeguarding Lead can seek advice from the MASH Consultation Line, or the Vulnerable Children's Team on 0208 545 3343 or [Vct.duty@merton.gov.uk](mailto:Vct.duty@merton.gov.uk). Any concerns that a child may be at risk of significant harm must be reported immediately via MASH on 0208 545 4226/4227 and via the MASH online referral form.



Information and advice for families and professionals in relation to Domestic Abuse and Sexual Violence is available online:  
<http://www.merton.gov.uk/community-living/community-safety/safer-merton-domestic-violence.htm>

Barnardo's have developed a Domestic Violence Risk Identification Matrix that is available online:  
[http://www.barnardos.org.uk/Barnardos\\_Domestic\\_Violence\\_Risk\\_Identification\\_Matrix.pdf](http://www.barnardos.org.uk/Barnardos_Domestic_Violence_Risk_Identification_Matrix.pdf)

The Bristol Idea is a list of standards for schools that make a real impact on promoting healthy relationships and tackling domestic and sexual violence. Information on the Bristol Idea is available online:  
<http://www.bristolideal.org.uk/>

### **Peer on Peer Sexual Abuse by Young People**

The boundary between what is abusive and what is part of normal childhood or youthful experimentation can be blurred. The determination of whether behaviour is developmental, inappropriate or abusive will hinge around the related concepts of true consent, power imbalance and exploitation. This may include children and young people who exhibit a range of sexually problematic behaviour such as indecent exposure, obscene telephone calls, fetishism, bestiality and sexual abuse against adults, peers or children. Developmental Sexual Activity encompasses those actions that are to be expected from children and young people as they move from infancy through to an adult understanding of their physical, emotional and behavioural relationships with each other. Such sexual activity is essentially information gathering and experience testing. It is characterised by mutuality and of the seeking of consent.

Inappropriate Sexual Behaviour can be inappropriate socially, inappropriate to development, or both. In considering whether behaviour fits into this category, it is important to consider what negative effects it has on any of the parties involved and what concerns it raises about a child or young person. It should be recognised that some actions may be motivated by information seeking, but still cause significant upset, confusion, worry, physical damage, etc. It may also be that the behaviour is "acting out" which may derive from other sexual situations to which the child or young person has been exposed.

If an act appears to have been inappropriate, there may still be a need for some form of behaviour management or intervention. For some children, educative inputs may be enough to address the behaviour.

Abusive sexual activity includes any behaviour involving coercion, threats, aggression together with secrecy, or where one participant relies on an unequal power base.

### **Upskirting:**

'Upskirting' typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence and may constitute sexual harassment.

The Designated Safeguarding Lead will act as the first point of contact for any concerns about Domestic Abuse and Sexual Violence, including Peer on Peer Abuse. Our Designated Safeguarding Lead can seek advice from the MASH Consultation Line, or the Vulnerable Children's Team on 0208 545 3343 or [Vct.duty@merton.gov.uk](mailto:Vct.duty@merton.gov.uk). Any concerns that a child may be at risk of significant harm must be reported immediately via MASH on 0208 545 4226/4227 and via the MASH online referral form.

Information and advice for families and professionals in relation to Domestic Abuse and Sexual Violence is available online:

<http://www.merton.gov.uk/community-living/communitysafety/safermertondomesticviolence.htm>

Barnardo's have developed a Domestic Violence Risk Identification Matrix that is available online:

[http://www.barnardos.org.uk/Barnardos\\_Domestic\\_Violence\\_Risk\\_Identification\\_Matrix.pdf](http://www.barnardos.org.uk/Barnardos_Domestic_Violence_Risk_Identification_Matrix.pdf)

The Bristol Idea is a list of standards for schools that make a real impact on promoting healthy relationships and tackling domestic violence/abuse

### **Sexting:**

#### **Definition:**

'Youth produced sexual imagery' best describes the practice because:

- 'Youth produced' includes young people sharing images that they, or another young person, have created of themselves.
- 'Sexual' is clearer than 'indecent.' A judgement of whether something is 'decent' is both a value judgement and dependent on context.
- 'Imagery' covers both still photos and moving videos (and this is what is meant by reference to imagery throughout the document)

The types of incidents which this advice covers are:

- A person under the age of 18 creates and shares sexual imagery of themselves with a peer under the age of 18
- A person under the age of 18 shares sexual imagery created by another person under the age of 18 with a peer under the age of 18 or an adult
- A person under the age of 18 is in possession of sexual imagery created by another person under the age of 18

#### **Legal Implications for pupils:**

Sexting potentially breaches several civil laws concerned with the creation, possession and distribution of child pornography and indecent images. These are images which show partial (where breasts or genitals are exposed) or full nudity and/or feature sexual acts being performed. It is illegal for pupils to make and/or share images such as these, even if they are images of themselves, which have been taken personally or with consent. Pupils who engage in sexting (to any extent) are at risk of receiving a police caution and/or being placed on a register for sexual offenders for a period of several years (which can have serious ramifications in adulthood with regards to employment, travel etc.). Sexting can also (in some cases) be viewed as a crime under the Malicious Communications Act.

Our duty as staff, we have a responsibility to work with parents and carers as well as pupils, by teaching about safeguarding issues in the classroom and providing young people with skills, attributes and knowledge to help them navigate risks. We want the pupils to be fully aware of the dangers and possible repercussions of sexting. In school, this information will be communicated to pupils during PSHE lessons, in assemblies and through workshops held in association with the local CEOP and police representatives.

## **Disclosures**

Disclosures about youth produced sexual imagery can happen in a variety of ways. The child affected may inform a class teacher, the DSL in school, or any member of the school staff. He/she may report through an existing reporting structure, or a friend or parent may inform someone in school or college, or inform the police directly.

All members of staff (including non-teaching staff) in schools should be aware of how to recognise and refer any disclosure of incidents involving youth produced sexual imagery. Any direct disclosure by a child should be taken very seriously. A child who discloses he/she is the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure in school is a last resort and they may have already tried to resolve the issue themselves.

## **Handling Incidents**

The UKCCIS guidance recommends the following approach in schools whenever an incident involving youth produced sexual imagery comes to a member of staff's attention.

- The incident should be referred to the DSL as soon as possible.
- The DSL should hold an initial review meeting with appropriate school staff.
- The DSL should follow the procedures and guidance set out in *Sexting in schools and colleges: responding to incidents and safeguarding young people*. This contains detailed advice on referrals (see below).
- There should be subsequent interviews with the children involved (if appropriate).
- Parents should be informed at an early stage and involved in the process (unless there is good reason to believe that involving parents would put the child at risk of harm).
- At any point in the process if there is a concern a child has been harmed or is at risk of harm a referral should be made to children's social care and/or the police immediately.
- The DSL and staff should avoid viewing or deleting the image themselves

## **Referral to Police or Children's Social Care**

The UKCCIS guidance recommends an immediate referral to police and/or children's social care should be made if at any stage there is a concern a young person has been harmed or is at risk of harm. Specifically, it recommends a referral if any of the following five factors are present:

- The incident involves an adult.
- There is reason to believe that a young person has been coerced, blackmailed or groomed, or if there are concerns about their capacity to consent (for example, owing to age or special educational needs).
- What you know about the imagery suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent.
- The imagery involves sexual acts and any pupil in the imagery is under 13.
- You have reason to believe a young person is at immediate risk of harm owing to the sharing of the imagery, for example, the young person is presenting as suicidal or self-harming.

However, if none of the above apply the UKCCIS guidance advises a school may decide to respond to the incident without involving the police or children's social care (a school can choose to escalate the incident at any time if further information/concerns come to light). If such a decision is made then the DSL should be confident that he/she has enough information to assess the risks to pupils involved and the risks can be managed within the school's pastoral support and disciplinary framework and, if appropriate, its local network of support.

In cases where the school has decided to respond to the incident without involving the police, or even in cases where they do make a referral, the issues of search, confiscation and retention of devices will arise. Schools have considerable powers in this respect granted to them under

s.550z of the Education Act 1996. These powers are themselves summarised in a guidance paper entitled *Searching, Screening and Confiscation – Advice for head teachers, school staff and governing bodies*.

Further advice can be found here:

<https://www.nspcc.org.uk/preventing-abuse/keeping-childrensafe/sexting/>

## **Vulnerable Groups**

### **Looked after children and previously looked after children**

PACE recognises that looked after and previously looked after children and care leavers are particularly vulnerable due to their status and their pre-care experiences.

The school/ designated teacher for LAC and care leavers has specialist knowledge of the issues faced by this cohort and for this reason, the designated safeguarding lead will consult with the designated teacher to seek advice whenever there are concerns about the welfare of a looked after or previously looked after child or care leaver.

### **Privately fostered children**

Private fostering is when a child under the age of 16 (under 18 if disabled) is cared for by someone who is not their parent is a ‘close relative’ for 28 days or more. Schools have a legal duty to notify Croydon of any pupils they know to be private fostered. Designated safeguarding leads should refer to SPOC any private fostering arrangements that come to their notice.

### **Young carers**

If schools have concerns about a pupil they believe to be a young carer, they can contact the Young Carers Service on 0208 649 9339.

Further details can be found on their website – [www.talkofftherecord.org](http://www.talkofftherecord.org)

### **Alternative Provision**

The school remains responsible for the safeguarding of children of any pupils they place in Alternative Provision.

Whenever the school places a pupil with an Alternative Provider, the school will obtain written confirmation of the provider’s safeguarding and child protection policies and that all relevant vetting and barring checks on individuals working at the establishment have been carried out.

All pupils placed in Alternative Provision should be visited regularly.

[Alternative Provision guidance](#)

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

Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. The 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.

## Early Help Procedures

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Keeping Children Safe in Education and Working Together to Safeguard Children (2015) set out a clear expectation that local agencies and schools will work together and collaborate to identify those children with additional needs and provide support as soon as a problem emerges. Providing early help is far more effective in promoting the welfare of children – and keeping them safe – than reacting later, when any problems, for example neglect, may have become more entrenched. The importance of using a child-centred approach in following the child’s journey is also emphasised. To achieve this, members of staff involved in the Early Help process must have a clear understanding of the needs and the views of the individual child in their family and community context.

Our schools are committed to ensuring everything possible is done to prevent the unnecessary escalation of issues or problems. Children, young people and their families will be offered help when needs and/or concerns are first identified and, as a consequence of the early help offered, children’s circumstances will improve and, in some cases, the need for more intrusive and intensive services are lessened or avoided.

The guiding principles of Early Help are:

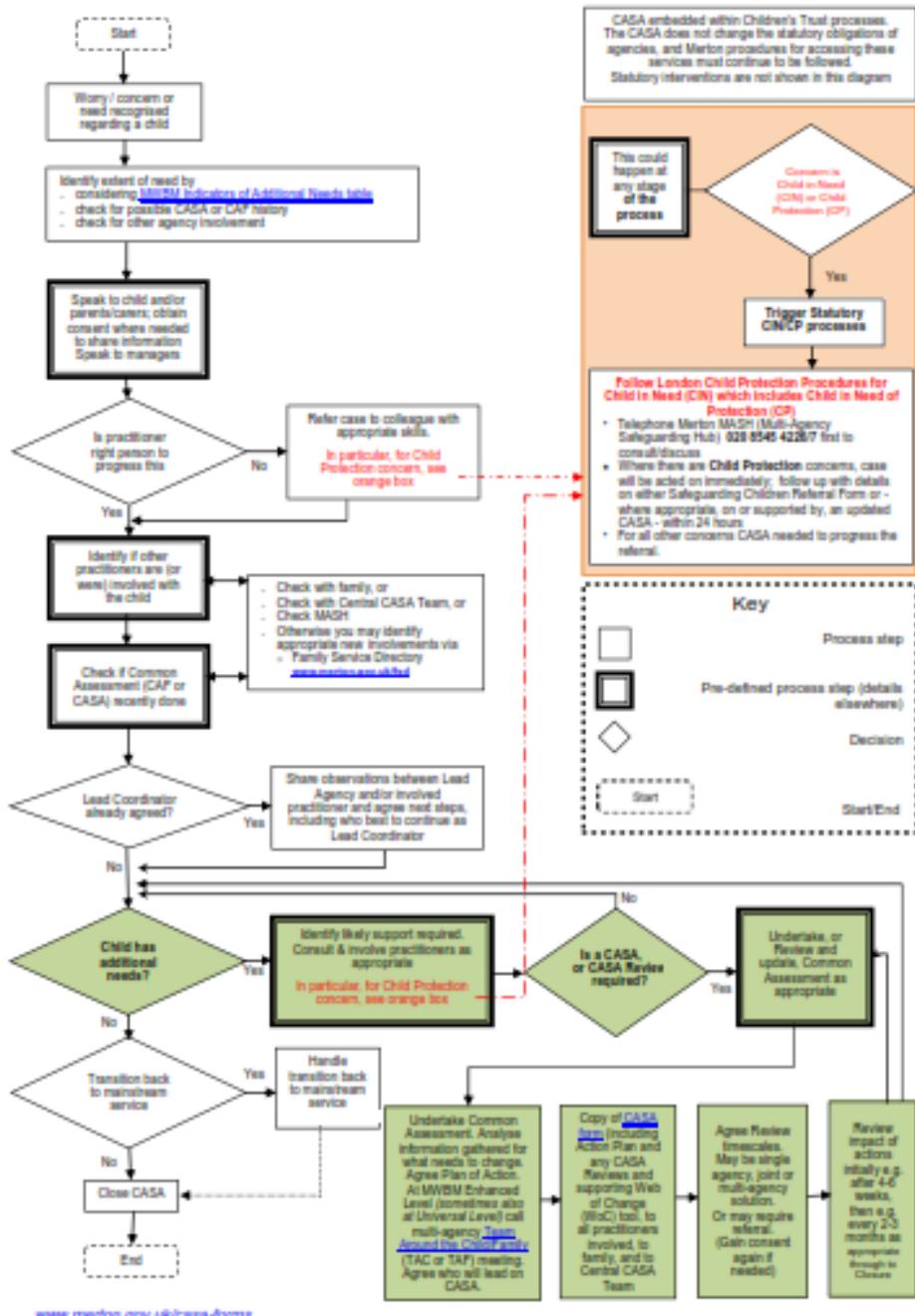
- high quality early identification and intervention for all children who need it, as well as effective integrated support for children with the most complex needs;
- preventative approach: we aim to work with families to enable them to **build resilience** and improve their capacity to help themselves should problems arise in the future;
- ‘early intervention may occur at any point in a child’s’ life;
- **children, young people and their families are listened to**, practice is focused on their needs which is captured in the Early Help Assessment;
- **The journey of the child is captured through their wishes and feelings;**
- to achieve better outcomes for children, young people and families, we see early intervention and prevention as a **shared responsibility**, where agencies work together, jointly ‘holding the baton’ for children and families;
- **safeguarding is everyone’s responsibility** and the welfare of the child/young person is paramount.

Staged intervention is an inclusive approach, involving parents/carers, children and young people, our school, relevant professionals and support services, which allows our school and practitioners to make informed and proportionate responses to need. In the Merton Child and Young Person Well Being Model (MWBM), there are three stages: Universal, Enhanced and Specialist. Each stage provides a solution focused approach to meeting needs at the earliest opportunity, with the most appropriate and least intrusive level of intervention. It is an incremental evidence based approach - all relevant approaches at the lower stages have been tried before involving services that provide a more specialist approach. This may also be known as a ‘graduated response’ to early help.

Our schools will most likely provide support to children and their families at Stage One (Universal) and Stage Two (Enhanced) of the staged intervention approach. This means that we will work with children and families at the earliest possible point to help them by listening to their needs and developing a support plan which takes into account any access that may be required to additional resources, expertise or to consider any adjustments that can

be made in school. We will also support children and families who may need further support through the use of the "Early Help Assessment" and the organization of a "Team Around the Family/Child", a team which consists of members of staff from the school, parent/carer(s), the child or children (if it's appropriate) and other professionals from services who may be able to support the family.

#### IDENTIFICATION OF NEED AND CASA PROCESS (in green below ) FLOW CHART



Jan 2015

Member of staff can seek help from our Locality Early Help Advisor (details on contacts page). They can provide information, advice and guidance on all aspects of early help from the first point at which additional need is identified to ‘stepping up’ into support for complex needs.

This support can be accessed by members of staff at any point of the Early Help process and could include:

- advice, face to face, on the telephone or by email;
- guidance about the early help pathway/staged intervention;
- support to identify universal and community services;
- attend Team Around the Family meetings to provide support and challenge where necessary;
- case consultation sessions;
- information and identification about early help learning and development for individuals or staff teams.

Our school will always seek to discuss our concerns with the child’s family (and if appropriate, directly with the young person) to let them know what is going on and how we are trying to help. We will need consent to share information to access support. We recognize that families may also be able to explain, assist or resolve the issues themselves.

### **Stage One - Universal services for all children, young people and their families**

All children need support in order to learn and develop. In the majority of cases, our schools will be able to meet the needs of a child or young person by personalising our approach, but some children require support which is additional to, or different from, what we normally provide.

Our offer of early help begins at Stage One with the personalisation of support to meet the needs of children and their families. Our School has access to a variety of different sources of information, support and advice that we can use to meet the needs of each child.

A child’s needs may be short term, and we may be able to address the problem relatively easily. For some children, their needs might be more complex and they may require access to additional support for a longer period of time, which we will do by “stepping up” to Stage Two.

### **Stage Two - Targeted early help for vulnerable children and families**

If we have tried to meet the child or young person’s needs from within the full range of support, we can offer without progress/success we will now need to engage additional support from other services. In doing so we will need to decide whether the help the child and/or family needs can be met by involving one other service or if multiple services may be required. If we have not already done so, we will discuss our concerns with the family (and child as appropriate). We will need the family’s consent to share information with another agency to access additional support. If we are able to decide that the child’s need(s) can be met from one other service and we have consent, we can refer to them directly. If we decide the child’s need(s) require support from more than one service and we have consent we will need to undertake an Early Help Assessment with the family, or check if an Early Help Assessment (CAF) or CASA has already been initiated by phoning 020 8545 3343

[http://www.merton.gov.uk/health-social-care/children-family-health-social-care/early\\_help.htm](http://www.merton.gov.uk/health-social-care/children-family-health-social-care/early_help.htm)

If the family or young person will not consent to share information using an Early Help Assessment (CAF) or withdraws consent for early help, we will continue to support the needs of the child and their family through ordinarily available support and personalised services. This will provide us with future opportunities to engage the child and family with additional support and also to continue monitoring the situation in case there are any safeguarding concerns (see child protection procedures).

## **Early Help Assessment**

The Early Help Assessment is the assessment tool used to assess needs that are not being met through our existing personalised support and where a child and family would benefit from coordinated support from other services apart from our schools.

Once we have assessed the needs and strengths of the child with the family, the Early Help Assessment can be shared with the services that we think need to be involved to meet the needs of the child and their family. By doing this the family do not have to repeat their story more than once and the services we have identified have a clear understanding of how their services can be of help.

## **Team Around the Family**

The Team Around the Family are the professionals from services we have invited to work together with the family to provide support. We aim to arrange a TAF meeting within 6 weeks of completing the early help assessment to establish a support plan and agree who is the best person to be the lead professional.

If a member of staff is not sure which service(s) to invite to the TAF meeting they can visit

<http://www.merton.gov.uk/health-social-care/children-family-health-social-care/safeguardingchildren/lscb/lscbprof/isa/mwbm/mwbm-multi-agency-meetings.htm>

for information about local services or contact our Early Help Advisor for advice at

[http://www.merton.gov.uk/health-social-care/children-family-health-social-care/early\\_help.htm](http://www.merton.gov.uk/health-social-care/children-family-health-social-care/early_help.htm)

## **Lead Professional**

A lead professional can be any adult who works with and supports a child, young person or their family. A lead professional can be from any agency or setting. The most important selection criteria is that they are best placed to coordinate provision to meet the child and family's needs, and have a good relationship with them. This means that a member of staff will quite often be best placed to be the Lead Professional.

Skills and qualities that practitioners in Merton feel are important to the role of Lead Professional:

- strong communication and organisational skills
- ability to bring out the voice of the child

- availability
- access to resources (such as IT) and information
- impartiality
- committed to best outcomes
- confidence to challenge where necessary
- understanding of the Early Help Assessment and review process

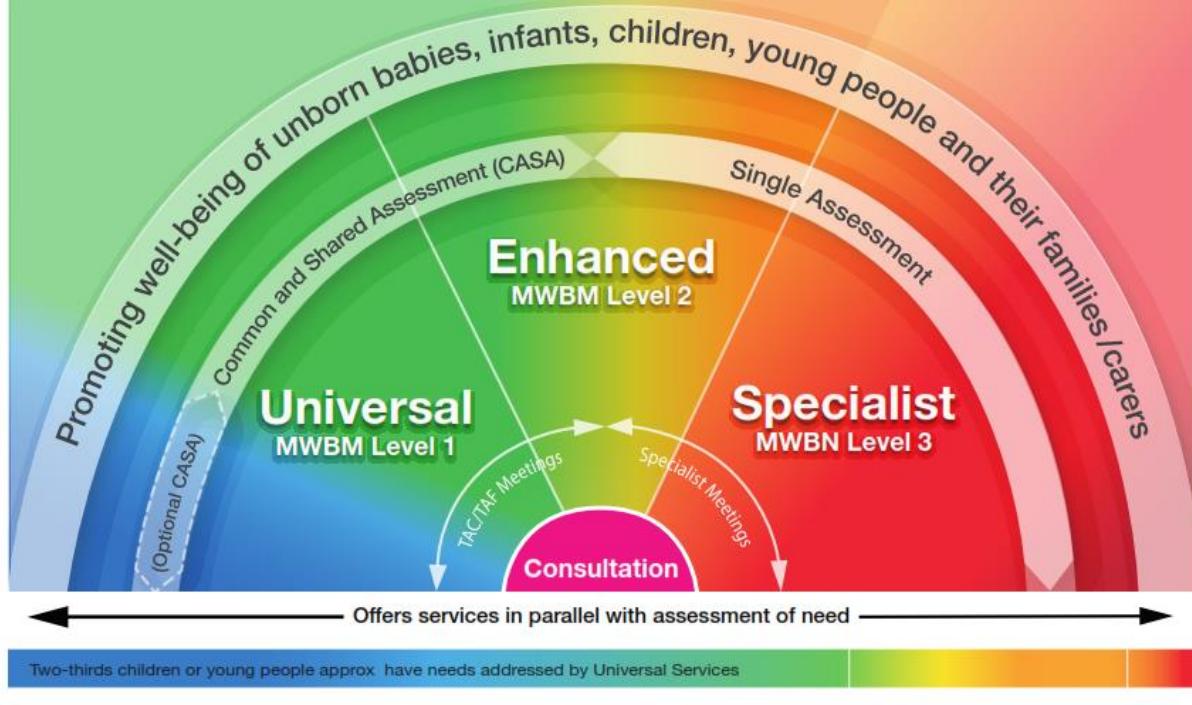
The lead professional's role is to:

- develop a successful and productive relationship with the child, young person and their family;
- act as a single point of contact for the child, young person and their family;
- with consent, organise multi-disciplinary and multiagency meetings and discussions;
- use the Early Help Assessment to develop support plans based on the outcomes;
- co-ordinate the delivery of effective early intervention work and on-going support
- work in partnership with other professionals to deliver the support plan
- review and monitor the support plan and progress made regularly

When a member of staff is the lead professional, they are accountable to our Trust for their delivery of lead professional functions; they are not responsible for the actions of other professionals. When a member of staff is the lead professional, they will regularly review the support plan consider if changes need to be made or additional services required in partnership with the Team Around the Family. Where there is evidence that the support being provided is not achieving the desired outcomes within a reasonable timescale (using an appropriate tool to measure impact and progress) they will need to decide whether it is appropriate to do all or any of the following:

- amend the support plan
- engage additional/different services
- change the lead professional
- step up to Stage 3 for targeted support
- seek support from Locality Early Help

If a member of staff is not the lead professional but have concerns that need are not being met and risks to the child are increasing, they will share their concerns with the lead professional, who will consider the situation and decide whether to convene an earlier TAF review meeting or escalate to a Multi-Agency Safeguarding Hub as a safeguarding/child protection concern. A diagram explaining the Wellbeing Model is below.



For more help on how to assess need, complete the Early Help Assessment and organise and deliver a Team Around the Family contact our Early Help Advisor via [http://www.merton.gov.uk/health-social-care/children-family-health-social-care/early\\_help.htm](http://www.merton.gov.uk/health-social-care/children-family-health-social-care/early_help.htm)

# Child Protection Procedures

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## Taking Action

If staff members have any concerns about a child (as opposed to a child being in immediate danger) they will need to decide what action to take. Where possible, there should be a conversation with the Designated Safeguarding lead to agree a course of action, although any staff member can make a referral to MASH. Action to help children should not be delayed and therefore if you have concerns and cannot discuss these with a Designated Safeguarding Lead, please call MASH on **0208 5454226** for advice. Other options could include referral to specialist services or early help services and should be made in accordance with the referral threshold set by Merton Safeguarding Children Board. All concerns should be recorded on an 'expression of concern' form. If a child makes a disclosure or staff have a serious concern, this should be recorded on a 'referral to DSL' form and shared with the DSL.

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

Staff members should encourage children to speak to them about any changes in behaviour or about any other inconclusive signs that may indicate abuse or harm. The signs the staff member has noticed may be due to a variety of factors and it is fine to ask the child if they are alright or if they can help in any way.

## If a child discloses information to a member of staff

It takes a lot of courage for a child to disclose that they are being neglected and or abused. They may feel ashamed, particularly if the abuse is sexual, their abuser may have made threats to kill or injure should they tell, they may have lost all trust in adults, or they may believe, or have been told, that the abuse is their own fault. If a child talks to a member of staff about any risks to their safety or wellbeing they will need to let them know that you must pass the information on – you are not allowed to keep secrets. The point at which you do this is a matter for professional judgement. If you jump in immediately the child may think that you do not want to listen, if you leave it till the very end of the conversation, the child may feel that you have misled them into revealing more than they would have otherwise.

During the conversation with the child:

- Allow them to speak freely.
- Remain calm and do not over react – the child may stop talking if they feel they are upsetting you.
- Give reassuring nods or words of comfort – 'I'm so sorry this has happened', 'I want to help', 'This isn't
- Do not automatically offer any physical touch as comfort. It may be anything but comforting to a child who has been abused.
- Avoid admonishing the child for not disclosing earlier. Saying 'I do wish you had told me about this when it started' or 'I can't believe what I'm hearing' may be your way of being supportive but the child may interpret it that they have done something wrong.
- Tell the child what will happen next. The child may agree to go with you to see the designated safeguarding lead. Otherwise let them know that

- your fault', 'You are doing the right thing in talking to me'.
- Do not be afraid of silences – remember how hard this must be for the child.
  - Under no circumstances ask investigative questions – such as how many times this has happened, whether it happens to siblings too, or what does the child's mother thinks about all this.
  - At an appropriate time tell the child that in order to help them you must pass the information on.
- someone will come to see them before the end of the day.
- Report verbally to the designated person.
  - Write up your conversation as soon as possible on the record of concern form and hand it to the designated person.
  - Seek support if you feel distressed.

## **Notifying Parents and Gaining Consent**

The school will normally seek to discuss any concerns about a child with their parent/carers. This must be handled sensitively and the DSL will make contact with the parent in the event of a concern, suspicion or disclosure and to seek consent to share this information with the Multi-Agency Safeguarding Hub. However, if the school believes that notifying parents could increase the risk to the child or exacerbate the problem, then advice will first be sought from MASH. Where possible, the school will hold more than one emergency contact number for each child in the school.

## **Referral to Merton Multi-Agency Safeguarding Hub (MASH)**

The DSL (or another member of staff) will make a referral to MASH if it is believed that a child is suffering or is at risk of suffering significant harm. The child (subject to their age and understanding) and the parents will be told that a referral is being made, unless to do so would increase the risk to the child.

If a child is in immediate danger or is at risk of harm a referral should be made verbally immediately to MASH via 020 8545 4226/7 and/or the police via 999. Any verbal MASH referrals or referrals that do not require an immediate response should be made via the Online MASH Referral form. The form is available here:

<http://www.merton.gov.uk/casa-forms>

## **Record Keeping**

Record keeping is an essential part of child protection in our schools; it is vital that it is done accurately as soon after the event as possible and managed carefully and securely.

- Evidence has played an important part in inspections and legislation requires the maintenance of certain statutory records - we have to evidence what we say. Increasingly when managing early help and child protection concerns, accurate and timed records are invaluable.
- We will forget details – every aspect of the incident or concern might be crystal clear at the time but we can't guarantee this will be the same in a few days.

All records should be objective and accurate, be clear about names, dates, places etc. and also distinguish between fact and opinion, hearsay and direct information. Child Protection files should be in either a separate locked cabinet or on a separate Network Drive with access restricted to the Designated Safeguarding Lead (and their deputy),

headteacher and Nominated Governor. We also have a clear policy on the removal of files and by whom which includes:

- Files marked ‘do not remove’ or ‘restricted access’ – we will be clear who the restrictions apply to and who specifically is exempt;
- The Designated Safeguarding Lead must be informed if files are taken to a meeting and the file must be returned to them;
- A log is kept of those removing files with the reason why, the destination and a signed date taken and returned
- Confidentiality – while staff may need the general contextual information to support a child’s welfare, private and individual circumstances should only be discussed with the Designated Safeguarding Lead, who will inform others on a ‘need to know’ basis
- Files should be regularly reviewed by another member of the Senior Leadership Team to ensure an independent overview to identify numbers and any patterns of concerns, and that these have been followed up.

All child protection concerns should be included in the child protection file (including those where a decision has been made not to make a formal referral to MASH). All other information gathered that falls below the child protection threshold will be held in the child’s pupil file. Examples of information gathered which does not meet the threshold of child protection are:

- Information gathered as part of an Early Help Assessment
- Discussions with parents/carers
- Lack of engagement with parents
- Concerns regarding hygiene, clothing
- Poor punctuality
- Absence from school/fixed term exclusions
- Under stimulation/poor concentration/underachieving
- Frequent absence/health concerns/missed appointments
- Concerns about diet
- Poor peer relationships
- Low self-esteem leading
- Bullying.

Remember that informal notes can be requested as evidence and whatever you write should be done objectively and with professionalism.

Our Model Child Protection Folder can be found in Annex A of this policy.

### **Transfer of information**

When a child moves to another school or educational establishment, all child protection records will be retained by our school, but copies of the records will be hand-delivered or emailed securely via USO FX or other password

protected means (if not possible, sent securely) to the receiving Designated Safeguarding Lead (DSL), separate from their general records and marked as strictly confidential; this should be done within 15 working days and we will always obtain written confirmation of receipt of these records. When copies of records are emailed securely, we will also make contact via telephone with the intended recipient within 5 minutes of the records being sent to ensure they have been received. Once we have received written confirmation that the child protection records have been received by the new school, the child protection records we hold will be destroyed/deleted in a confidential manner.

Child Protection records do not form part of the pupil's educational record and are not required to be disclosed to parents/carers. Any requests from a parent/carers solicitor to have child protection records disclosed to them will be passed to either our legal advisor or we will consult with the Legal Services team at Merton Council.

## **Summary**

- We will hold/store files separately, securely and confidentially
- We will note every child protection concern without delay and detail significant incidents on the front-sheet chronology; these must be regularly reviewed
- Keep copies on file of all relevant referral forms, conference reports, strategy minutes etc.
- Keep on file informal child protection information including dated notes of contacts, telephone conversations with parents/carers and other agencies
- All staff must be aware of the need to make an immediate and accurate record of concerns – using the child's own words where possible; this should be passed to the Designated Safeguarding Lead (DSL) without delay
- The DSL should refer child protection concerns to MASH without delay and if unsure it is child protection, discuss the situation via the MASH Consultation Line. Agree who will inform the parent/carer if this 'in principle' discussion progresses to a referral and the parent or carer is unaware of your contact with MASH.
- It is recommended that a student's records are kept for 10 years after they leave compulsory education.

## **Confidentiality and sharing information**

All members of staff understand that child protection issues warrant a high level of confidentiality, not only out of respect for the child and staff involved but also to ensure that being released into the public domain does not compromise evidence.

Staff should only discuss concerns with the designated person, head teacher or chair of governors (depending on who is the subject of the concern). That person will then decide who else needs to have the information and they will disseminate it on a 'need-to-know' basis.

Child protection information will be stored and handled in line with Data Protection Act 1998 principles.

Information is:

- processed for limited purposes
- adequate, relevant and not excessive
- accurate
- kept no longer than necessary

- processed in accordance with the data subject's rights
- secure.

Record of concern forms and other written information will be stored in a locked facility and any electronic information will be password protected and only made available to relevant individuals.

Every effort should be made to prevent unauthorised access and sensitive information should not be stored on laptop computers, which, by the nature of their portability, could be lost or stolen. If it is necessary to store child protection information on portable media, such as a CD or flash drive, these items should also be kept in locked storage. Child protection information will be stored separately from the child's school file and the school file will be 'tagged' to indicate that separate information is held.

Child protection records are normally exempt from the disclosure provisions of the Data Protection Act, which means that children and parents do not have an automatic right to see them. If any member of staff receives a request from a child or parent to see child protection records, they should refer the request to the head teacher.

The Data Protection Act does not prevent school staff from sharing information with relevant agencies, where that information may help to protect a child. The school's policy on confidentiality and information sharing is available to parents and children on request.

# Online Safety

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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 a school or college to protect and educate the whole school or college community in their use of technology and establishes mechanisms to identify, intervene and escalate any incident where appropriate.

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

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

## Filters and monitoring

Governing bodies and proprietors should be doing all that they reasonably can to limit children's exposure to the above risks from the school or colleges IT system. As part of this process governing bodies and proprietors should 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, governing bodies and proprietors should consider the age range of their pupils, the number of pupils, how often they access the school's IT system and the proportionality of costs Vs risks.

The appropriateness of any filters and monitoring systems will be informed in part by the risk assessment required by the Prevent Duty.

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

- <http://www.saferinternet.org.uk/advice-and-resources/teachers-and-professionals/appropriate-filtering-and-monitoring>

Guidance on e-security is available from the National Education Network-NEN. 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 proprietors should consider a whole school approach to online safety. This will include a clear policy on the use of mobile technology in the school and the schools' mobile phone policy, AUPs etc. Many children have unlimited and unrestricted access to the internet via 3G and 4G in particular and the schools will carefully consider and frequently review how this is managed on their premises.

A nominated contact from Open Air and within the individual schools will be responsible for monitoring the use and effectiveness of filters, and will report concerns to the DSL.

Whilst it is essential that governing bodies and proprietors ensure that appropriate filters and monitoring systems are in place; they should 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.

## **Staff training**

The school will ensure staff undergo regularly updated safeguarding training and that online safety training for staff is integrated, aligned and considered as part of the overarching safeguarding approach.

## **Information and support**

There is a wealth of information available to support schools and colleges to keep children safe online. The following is not exhaustive but should provide a useful starting point:

[www.thinkuknow.co.uk](http://www.thinkuknow.co.uk)

[www.disrespectnobody.co.uk](http://www.disrespectnobody.co.uk)

[www.saferinternet.org.uk](http://www.saferinternet.org.uk)

[www.internetmatters.org](http://www.internetmatters.org)

[www.pshe-association.org.uk](http://www.pshe-association.org.uk)

[www.educateagainsthate.com](http://www.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)

# Safer Recruitment (In reference to Keeping Children Safe in Education)

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## Recruitment, Selection and Pre-Employment Vetting

Our school is committed to a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children. This part of the policy describes in detail those checks that are, or may be, required for any individual working in any capacity at, or visiting, this school. Governing bodies and schools must act reasonably in making decisions about the suitability of any 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. In the event that a DBS check comes back positive, the procedure outlined in Appendix C will be carried out.

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 or college, as outlined in this policy

For most appointments, 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 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 a school or college, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children;
- engage in intimate or personal care or overnight activity, even if this happens only once.

A more detailed description of regulated activity is provided in Annex B. 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 that would have the opportunity for contact with children and who work under a temporary or occasional contract.

In our school, 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 we have regard to when considering which checks should be undertaken on volunteers. This is set out at in Annex B.

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 any other provisions. More information is available on the DBS website -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/519060/Guide\\_to\\_eligibility\\_v8.1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/519060/Guide_to_eligibility_v8.1.pdf)

When the DBS has completed its check of an applicant's PNC record and whether or not they are on the barred list, the relevant information will be recorded on a certificate (the DBS certificate) that is sent to the applicant. The applicant must show the original DBS certificate to the relevant member of staff before they take up post or as soon as practicable afterwards. We will not allow a member of staff to start work without the school having had sight of their DBS certificate or the school obtaining a separate barred list check (pending the DBS check being completed). Where an individual starts work in regulated activity before the DBS certificate is available, they will be appropriately supervised and all other checks will have been completed.

For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure 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 should be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance.

**If we, as a school, 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.**

### **Pre-appointment checks**

Any offer of appointment made by our school to a successful candidate, including one who has lived or worked abroad, will be conditional and only confirmed on satisfactory completion of the necessary pre-employment checks.

When appointing new staff, we will:

- request a minimum of 2 references, one of which must be the candidates current/previous employer and verify that these are to the school's satisfaction; employment references should always be verified. They should always be verified by a senior member of staff;
- verify a candidate's identity. Identification checking guidelines can be found on the GOV.UK website - <https://www.gov.uk/government/publications/dbs-identity-checking-guidelines> ;
- obtain (via the applicant) a certificate for an enhanced DBS check which will include 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;
- for teaching staff, verify that the new candidate is not subject to a prohibition order issued by the Secretary of State, using the Employer Access Online service - <https://www.gov.uk/guidance/teacher-status-checks-information-for-employers>
- if a new appointee is to occupy a management post in an independent school, academy or free school as an employee, is to be a trustee of an academy or free school trust, or is to be a governor or member of a proprietor body for an independent school, we will check whether the individual has been barred by the Secretary of State from taking part in the management of an independent school;
- verify the candidate's mental and physical fitness to carry out their work responsibilities;

- 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, we will follow the advice on the GOV.UK website;  
<https://www.gov.uk/check-job-applicant-right-to-work>
- if the person has lived or worked outside the UK, make any further checks we consider appropriate;
- verify all professional qualifications in relation to teaching / working with children.
- consult ACAS website regarding past disciplinary action or allegations.

## **Employment history and references**

The school 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 our appointment decisions. References should always be obtained, scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed. They will always be requested directly from the referee and we 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, we will check with the school, 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 should 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.

## **Individuals who have lived or worked outside the UK**

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

The Home Office has published guidance on criminal record checks for overseas applicants (<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>). The Department for Education has also issued guidance on the employment of overseas-trained teachers (<https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea>). This gives information on the requirements for overseas trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

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

The school will obtain written notification from any agency that they have carried out the checks on an individual who will be working at the school that we would perform to ensure it would be appropriate for them to do so.

Where the position requires a barred list check this must be obtained, by the agency or third-party prior to appointing that individual. We must 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 our school, we will ensure that all necessary checks are carried out including the requesting of an enhanced DBS certificate (including and barred list information).

Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, and we 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

We will also enter details of fee-funded trainees on our single central record.

### **Existing staff**

If we have concerns about an existing staff member's suitability to work with children, we will carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college 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, our school will request a renewed DBS check (with a barred list check where relevant) every 3 years.

**We 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 should be made as soon as possible after the resignation or removal of the individual. Guidance on referrals can be found on GOV.UK - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/501318/DBS\\_referral\\_guidance\\_completing\\_the\\_form\\_v1\\_1\\_Feb\\_16.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501318/DBS_referral_guidance_completing_the_form_v1_1_Feb_16.pdf)

Where our school dismisses or ceases to use the services of a teacher (including an agency teacher) because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, we will consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

### **Volunteers**

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

Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in our school will be in “regulated activity”. We 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 do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, we will conduct a repeat DBS check (which will include barred list information) on any such volunteer should they have concerns.

We will also 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. The school is not legally permitted to request barred list information on a volunteer who, because they are supervised, is not in regulated activity.

Our 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 we will consider:

- the nature of the work with children;
- what we already know 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.

When a Volunteer is being supervised:

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

The DBS cannot provide barred list information on any information, including volunteers, who are not in regulated activity.

## School Governors

Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the governing body to apply for the certificate for any of their governors who does not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

## **Contractors**

We 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.** We are responsible for determining the appropriate level of supervision depending on the circumstances.

If a contractor working at a school or college is self-employed, the school or college should 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 should always check the identity of contractors and their staff on arrival at the school or college.

## **Visitors**

Schools and colleges 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 should use their professional judgment about the need to escort or supervise visitors.

## **Adults who supervise children on work experience**

When we organise work experience placements we 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. We 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 (at least once a week or on 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, we will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

Schools and colleges 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 or college, 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 should consider whether a DBS enhanced check should 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**

We quite often make arrangements for our children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour. Such arrangements could amount to “private fostering” under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both. Where the school or college is the regulated activity provider, it should request a DBS enhanced check (which will include barred list information) to help determine their suitability for the arrangement. However, where the parents make the arrangements themselves, this will be a private matter between the child’s parents and the host parents and in these circumstances the school will not be the regulated activity provider.

Schools and colleges arranging for their children to stay with families overseas should be aware that the DBS cannot access criminal records held overseas. Host families in other countries, therefore, cannot be checked in the same way by local authorities as schools and colleges in this country when children stay abroad. Schools and colleges should work with partner schools abroad to ensure that similar assurances are undertaken prior to a visit. If they wish, local authorities and schools can contact the relevant foreign embassy or High Commission of the country in question and find out if similar checks can be done in that country.

### **Single central record**

( Reference: <https://teacherservices.education.gov.uk/>)

Our schools must keep a single central record. The single central record must cover the following people:

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school
- and all members of the governing 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;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- further checks on people living or working outside the UK;

- a check of professional qualifications; and
- a check to establish the person's right to work in the United Kingdom.

For supply staff, schools should 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 should record this on the single central record.

Our school does not have to keep copies of DBS certificates in order to fulfil our duty of maintaining the single central record. To help our school comply with the requirements of the Data Protection Act, where we choose to retain a copy they should not be retained for longer than six months, **or without the individual's consent**. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file.

The PACE Academy Trust requires DBS and section 128 checks on members of any management committee. When placing children with alternative providers, PACE requires written confirmation of suitability checks.

## **Allegations of abuse made against teachers and other staff**

### **Duties as an employer and an employee**

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

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

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

Our school also has a duty of care to our employees. We will ensure we 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 our schools 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 should be followed to resolve cases without delay.

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

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

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

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

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

The case manager will inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. We 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 should be considered prior to taking that step.

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

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

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

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.

### **Supporting those involved**

Our Trust also has a duty of care to our employees. We 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 should also be given access to welfare counselling or medical advice.

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

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

progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence. In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

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. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

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

## **Confidentiality**

It is extremely important that when an allegation is made, we make 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 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 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). The school will ensure that all parties and witnesses are aware of the possible consequences of the "publication" of material that may lead of the identification of the person who is subject to the allegation.

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 LADO, police and children's social care services to agree the following:

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

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

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

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

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

‘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, should not be used in cases of refusal to cooperate or resignation before the person’s notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

### **Record keeping**

Details of allegations that are found to have been malicious 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 should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

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

[http://ico.org.uk/for\\_organisations/data\\_protection/topic\\_guides/employment](http://ico.org.uk/for_organisations/data_protection/topic_guides/employment)

## References

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

## Timescales

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below:

- the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases.
- It is expected that 80 per cent of cases should be resolved within one month,
- 90 per cent within three months, and
- all but the most exceptional cases should be completed within 12 months
- For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week.
- Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the school to deal with it, although if there are concerns about child protection, we will discuss them with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days.
- If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

## Oversight and monitoring

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

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

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

## Suspension

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

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or college or until the allegation is resolved, and may wish to seek advice from their HR provider and the LADO. In cases where we are made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school or college 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 LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager 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 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 or college so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school 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 should be agreed and recorded by both the case manager and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for the school 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 school and provided with their contact details.

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

### **Information sharing**

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

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

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

PACE Academy Trust are GDPR compliant at all times.

### **Specific actions**

#### **Following a criminal investigation or a prosecution**

The police should inform the school and LADO immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by

the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### **On conclusion of a case**

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the case manager whether the school will decide to make a referral to the DBS for consideration of inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching.

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

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

### **In respect of malicious or unsubstantiated allegations**

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

### **Learning lessons**

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

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

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## 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 have 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;
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving a vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

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

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

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

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

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

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

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

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

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

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

## EXAMPLES

### Volunteer, in a specified place

Mr. Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr. Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr. Jones takes some of the children to a separate room to listen to them reading, where Mr. Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr. Jones is not in regulated activity.

## **Volunteer, not in a specified place**

Mr. Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr. Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr. Wood is not in regulated activity.

## **Employee, not in a specified place**

Mrs. Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out above; and if it is a specified place such as a school:
- consider whether the supervised worker is a volunteer.

i Safeguarding Vulnerable Groups Act 2006, amended by Protection of Freedoms Act 2012: Schedule 4, paragraph 5A: guidance must be “for the purpose of assisting” organisations “in deciding whether supervision is of such a kind that” the supervisee is not in regulated activity.

ii Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Schedule 2, paragraph 5A, is as above on guidance on “supervision” for Northern Ireland.

iii If the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.

iv In future, the Government plans to commence a statutory duty on an organisation arranging regulated activity (under the 2006 Act or 2007 Order, both as amended) to check that a person entering regulated activity is not barred from regulated activity; and plans to commence a stand-alone barring check service by the new Disclosure and Barring Service.

v **A volunteer is: in England and Wales, a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives; in Northern Ireland, a person engaged, or to be engaged, in an activity for a non-profit organisation or person which involves spending time unpaid (except for travel and other approved out-of-pocket expenses) doing something which amounts to a benefit to some third party other than, or in addition to, a close relative.**

## **APPENDIX B: SPECIAL CIRCUMSTANCES**

### ***Trips Away From Home***

Children need to be kept safe when taking trips away from home. It is therefore important that rigorous safeguarding and child protection policies and procedures are in place, in addition to health and safety procedures, adequate insurance, etc. In putting together a trip away from home, some procedures to follow include:

#### **General**

- Ensure children know how to behave, e.g. through a behaviour policy.
- Getting written consent from parents and for residential trips, or if necessary due to age, holding a meeting for parents to give them a briefing on the outing.
- Asking parents about any special needs or requirements for their children.

#### **Using activity centres and other external providers**

- Use reputable organisations that have in place any licences or accreditation required (some adventure activities require specific licences).
- Visiting the centre beforehand and complete a risk assessment. You can ask the centres for their own risk assessment and follow it up with your own.
- Get agreement on the activities to be undertaken if using an adventure activity provider.
- Ensure external providers have proper safety procedures in place (e.g. insurance, maintenance of equipment/transport, health and safety policies, recruitment of staff to work with children, Child Protection policies etc.)
- Ensure the accommodation is suitable.

#### **Staff/Volunteers**

- Have a person trained in first aid and suitable equipment.
- When staying in self catering accommodation a member of staff will need a
  - food hygiene qualification (e.g. Level 2 NVQ in Food and Hygiene)
- Have adequate staff ratios. These will depend on the age of the young people
  - and the activity being planned, but DfES guidance on a typical school trip to a museum or historical site are:
    - ▶ 1 adult to 6 pupils for under-eights (more adults if under-fives).
    - ▶ 1 adult to 10-15 pupils for eight to eleven-year olds.
    - ▶ 1 adult to 15-20 pupils for over-elevens.
- Ensure all those attending are aware of their roles and responsibilities.
- Ensure staff/volunteers are competent to lead children in activities.
- Even greater care should be taken over trips abroad.

Two publications in particular provide more detailed information on planning trips away are:

- **Safe Sport Away**, produced jointly by the Amateur Swimming Association and the NSPCC.
- **Health and Safety of Pupils on Educational Visits** DOE

## ***Working With Children with Disabilities***

For a number of reasons, children with disabilities are more vulnerable to abuse than others. For example children with disabilities may be more dependent on others for intimate care and may be less able to tell people about any abuse they experience. For these reasons, it is essential that rigorous safe recruitment procedures are in place, especially with regard to recruitment checks on volunteers and paid workers, whistle blowing policies, and having clear guidelines setting out acceptable behaviour by those working with children with disabilities. Training which covers the interface of disability and safeguarding, will also be required.

## ***Groups of Parents and Children***

In some cases, on school site, the volunteers may consist solely of parents or carers looking after their own children. In this circumstance the duty of care for the child remains with the parent whilst the organisation holds the duty of care for the environment and overall moral duty of care.

## ***Working with Older Teenagers, E.G. 16+ (work experience students)***

Given that child protection legislation covers all children and young people up to the age of 18, groups working with older children are still entitled to the child protection policy and procedures.

## ***Children Only Groups (Projects Only Involving Children and Young People)***

Children working in child led groups are still under the supervision of an adult. It should be recognised that children can abuse each other (e.g. bullying). It is therefore likely that a policy for such a group would cover the same ground as a standard child protection policy.

## ***Capital Projects- Facilities for Other Groups***

Additional meetings, consultation groups and crèches held by the school or others using school premises are subject to this policy and associated safeguarding procedures. All clubs are required to submit copies of their insurance, DBS certificates, right to work documentation, own safeguarding policies and qualifications and training as appropriate.

## ***Use of the Internet***

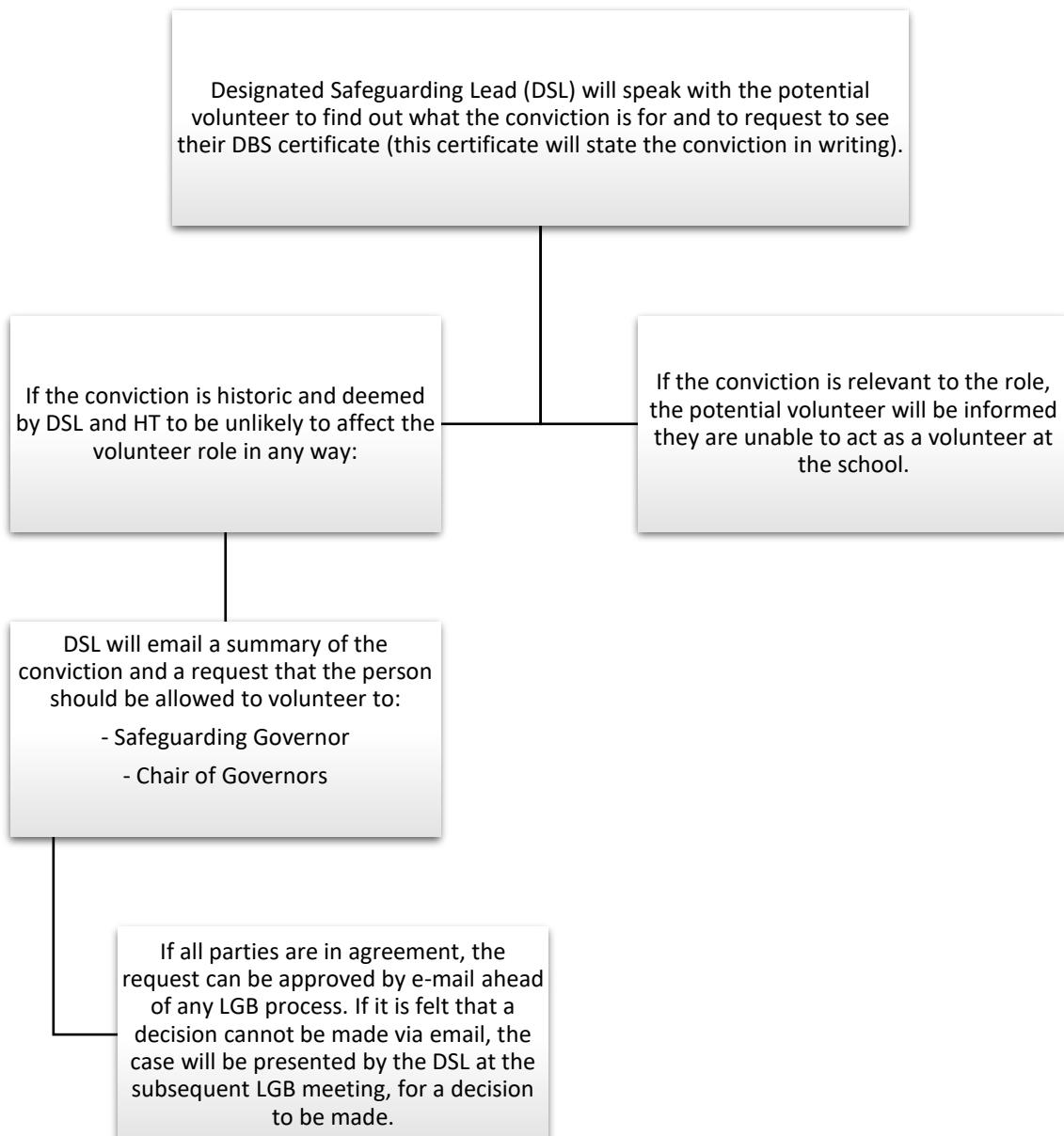
See E-safety and Acceptable Use policies.

## ***Use of Photos***

See Policies for use of Camera and digital images

## APPENDIX C: POSITIVE DBS CHECKS

**In the event that a potential volunteer's DBS check comes back positive, i.e. a red flag is against their record indicating a previous conviction, the following procedure will be followed:**



#### **Appendix D: Child Sexual Exploitation (CSE) Update**

Following the consultation on CSE, which closed on 11<sup>th</sup> March 2016, a new, revised definition of child sexual exploitation was set out as follows:

*'Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.'*

The new definition and guide for practitioners, local leaders and decision makers was released by the Department for Education (DfE) in February 2017 and subsequently the trust now operates according to this document, where CSE is concerned.