



SAFEGUARDING CHILDREN POLICY AND CHILD PROTECTION: POLICY AND GUIDELINES

“Every child has the right to be protected”

“It is everyone’s responsibility to protect children”

St Richard’s School, as a school and registered Charity, has a duty to report to social services any serious concerns regarding children in its care.

Charity Reg. No: 1113203

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1.0 **BASIC PRINCIPLE**

1.1 There are three main elements to our policy:

- a. Prevention through teaching and pastoral support offered to pupils.
- b. Procedures for identifying and reporting cases or suspected cases of abuse.
- c. Support to pupils who may have been abused.

1.2 Our policy applies to all staff and volunteers working in the school and also to Governors.

2.0 **PREVENTION**

2.1 We recognise that high esteem, confidence, supportive friends and good lines of communication with a trusted adult can help prevention.

2.2 The school will therefore endeavour to:

- a. Establish and maintain an ethos where children feel secure and are encouraged to talk and are listened to.
- b. Ensure children know that there are adults in the school whom they can approach if they are worried or in difficulty.
- c. Include in the curriculum, activities and opportunities for PHSE and citizenship which equip children with the skills they need to stay safe from abuse and to know to whom to turn for help.
- d. Include in the curriculum, material which will help children develop realistic attitudes to the responsibility of adult life, particularly with regard to child care and parenting skills.

3.0 **PROCEDURES**

3.1 The school will follow the procedures set out by the local safeguarding children board (Herefordshire Safeguarding Children Board: www.herefordshiresafeguardingchildrenboard.org.uk).

3.2 The school will ensure that it has a designated senior member of staff (with a reserve) who has undertaken training and acknowledge the level of support required by the post holder.

3.3 All Governors will know the name of the designated person, their role and appreciate their own responsibility for referring child protection concerns. Governors must also be aware of the procedures laid down in this policy.

3.4 All staff will be made aware of the need to be alert to the signs of abuse and how to respond to a pupil who may tell of abuse.

- 3.5 Parents will be made aware of the responsibility placed on the school and its staff in relation to child protection.
- 3.6 The school will provide child protection training for all staff.
- 3.7 The school will work to develop effective links with relevant agencies and co-operate as required with enquiries regarding child protection matters and will attend case conferences, core groups and review conferences.
- 3.8 All serious incidents issues will be reported to Ofsted within fourteen days

4.0 **SUPPORTING PUPILS AT RISK**

- 4.1 The school recognises that children who are abused or witness violence may find it difficult to develop a sense of self worth and to view the world as benevolent and meaningful. They may feel helplessness, humiliation and some sense of self-blame.
- 4.2 This school may be the only stable and secure and predictable element in the lives of children at risk. Nevertheless, when at school their behaviour may be challenging and defiant or they may be withdrawn.
- 4.3 The school will endeavour to support the pupil through:
 - 4.3.1 The content of the curriculum to encourage self esteem and self motivation.
 - 4.3.2 Providing an ethos, which promotes a positive, supportive and secure environment, which gives pupils a sense of being valued.
 - 4.3.3 Emphasising the importance of supporting vulnerable pupils. All staff will adopt a consistent approach, which focuses on the behaviour of the child but does not damage self worth.
 - 4.3.4 Liaison with other agencies who support the pupil such as social services, child and adolescent mental health services, the educational psychology services and education welfare services.
 - 4.3.5 Keeping records and notifying social services on the recurrence of concern.
- 4.4 When a child is excluded from school for a period of time and for whatever reason, due consideration will be taken of any child protection issues which may arise as a result of said exclusion and will form part of the decision as to whether exclusion is the correct course of action.
- 4.5 When a child on the child protection register leaves the school, relevant information will be transferred to the new school. If necessary the Local Authority Designated Officer will be contacted.

5.0 BULLYING

- 5.1 The school's policy on bullying and cyber-bullying is clear and both children and parents receive regular reminders of the main facets of this policy and advice on avoiding bullying.

6.0 PHYSICAL INTERVENTION

- 6.1 The school has a policy concerning physical intervention (Restraint Policy) which is reviewed each nine terms.

7.0 STAFF TRAINING

- 7.1 Designated members of staff attend regular Child Protection Training and Conferences.

- 7.2 Biennial staff training arrangements (as required: Safeguarding Children & Safer Recruitment in Education, DfES 2006) are in place for all members of staff and other adults within the school about child protection issues and the school's Safeguarding Children (Child Protection) Policy and procedures to ensure that all staff:

- 7.2.1 Know categories of abuse, how they are defined and the possible indicators.
- 7.2.2 Know how to manage a disclosure and refer appropriately.
- 7.2.3 Are aware that parental substance abuse and domestic violence will be causes for concern.
- 7.2.4 Are aware that children may be abusers.
- 7.2.5 Are aware that when a child is missing from education this may put them at risk of harm.
- 7.2.6 Are aware that children may be involved in prostitution and therefore victims of abuse.
- 7.2.7 Are aware of female genital mutilation and that it is an offence.
- 7.2.8 Know that forced marriage is an abuse of human rights.
- 7.2.9 Are alert to the possibility of fabricated or induced illness.
- 7.2.10 Consider whether children are 'young carers' with rights to additional support services.

8.0 GUIDANCE

- 8.1 The following pages give advice to staff on recognising signs of abuse. It must be realised that a number of these signs usually need to be present before concern is raised with social services. Many of the signs are seen in children every day and can be caused by normal emotions and non-abuse related incidents. Always try to see patterns.

9.0 WORKING WITH EXTERNAL AGENCIES

The school works closely with, and attends the termly meetings for the independent sector hosted by, the Herefordshire Safeguarding Children Board and all relevant professional bodies and Government Departments with regard to all issues related to safeguarding and child protection including staff training, referrals, policy development, national and local guidance and information sharing.

CATEGORIES OF ABUSE

The categories of significant harm defined in *Working Together to Safeguard Children 2010* are used for the Register and statistical purposes:

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. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failure to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect, or unresponsiveness to a child's basic emotional needs.

Possible Signs of Neglect:

- Constant hunger
- Poor personal hygiene

PHYSICAL ABUSE

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 feigns the symptoms of, or deliberately causes ill health to a child who they are looking after. This situation is commonly described using terms such as fabricated and induced illness or Munchausen's Syndrome by proxy.

EMOTIONAL ABUSE

The persistent emotional ill-treatment of a child such as to cause severe and persistent effects on the child's emotional development. It may involve conveying to children that they are worth less or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age of developmentally inappropriate expectations being imposed on children. It may involve 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 ill treatment of a child, though it may occur alone.

Possible Signs of Physical and/or Emotional Abuse:

- Physical, mental or emotional development lags
- Admission of punishment which appears excessive
- Over-reaction to mistakes
- Inappropriate emotional responses to painful situations
- Neurotic behaviour (eg rocking; hair twisting; thumb-sucking)
- Self mutilation
- Fear of parents being contacted
- Extremes of passivity or aggression
- Drug/solvent abuse
- Chronic running away
- Compulsive stealing
- Scavenging for food and clothes

SEXUAL ABUSE

Involves forcing or enticing a child or young person to take part in sexual activities whether or not the child is aware of what is happening. The activities may involve physical contact including penetrative (eg rape or buggery) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways.

Possible Signs of Sexual Abuse:

Children under five may:

- Repeat obscene words or phrases said by the abuser
- Say repeatedly that they are bad, dirty or wicked
- Become aggressive and hurtful
- Act in a sexually inappropriate way towards adults

Children from ages of five to twelve may:

- Hint about secrets they cannot tell
- Say that a friend has a problem
- Ask if you will keep a secret if they tell you something
- Begin lying, stealing, blatantly cheating in the hope of being caught
- Have unexplained sources of money
- Have terrifying dreams
- Start wetting themselves
- Exhibit sudden inexplicable changes in behaviour, such as becoming aggressive or withdrawn
- Stop enjoying previously liked activities, such as music, sports, art, scouts or guides, going to summer camp, gym club
- Be reluctant to undress for gym

- Become fearful of or refuse to see certain adults for no apparent reason; show dislike of a particular baby-sitter, relative or other adult
- Act in a sexual way inappropriate for their age
- Draw sexually explicit pictures depicting some act of abuse

Children over the age of twelve may:

- Become suicidal
- Use drugs or drink to excess
- Self mutilate, show self hatred
- Have unexplained pregnancies
- Experience memory loss
- Become anorexic or bulimic
- Run away frequently
- Be inappropriately seductive
- Be fearful about certain people like relatives or friends
- Assume the role of parents in the house to such an extent that they do all the cooking, cleaning, child-minding and are taking care of everyone's needs except their own
- Not be allowed to go out on dates or have friends round
- Have soreness/bleeding in the genital or anal areas or in the throat
- Find excuses not to go home or to a particular place
- Have a recurring nightmare/be afraid of the dark
- Be unable to concentrate, seem to be in a world of their own
- Have a 'friend who has a problem' and then tell you about the abuse of a friend
- Have chronic ailments such as stomach pains and headaches
- Sexually abuse a child, sibling or friend
- Exhibit a sudden change in school/work habits, become truant
- Be withdrawn, isolated, or excessively worried
- Have outbursts of anger or irritability

MANAGING DISCLOSURE

Teachers have a vital role to play in both the prevention and detection of abuse. Detection of abuse often depends in the first instance, on suspicion. Teachers and other staff in schools are in a unique position to observe children's behaviour over time, and often develop close and trusting relationships with pupils. School staff may well be the first to suspect that something is amiss when an individual behaves atypically, withdraws from social contacts with other, exhibits anxiety or stress symptoms in school, appears unusually distressed, confused or disturbed.

It is of course absolutely critical that all staff are aware of the procedures adopted by the school, key staff to be informed and the LEA's child protection procedures, when disclosures of abuse are made.

A wide range of possible situations can fall into the category of a 'disclosure'. Because it is impossible to know in advance what a child will say, it is advisable to

follow the suggestions outlined below. Children will probably tell you about incidents involving bullying or bribes perhaps from peers. However, children who live in abusive situations, commonly ask teachers for help with minor anxieties. It can be a way of seeking out a safe situation in which to confide a major concern.

‘Sharing the secret’:

Children ‘tell’ in many different ways — through their behaviour, play and creative work as well as direct disclosure. Young children are more likely to confide but lack the language. Older children feel that the abuse sets them apart. No one ever talks about the possibility of incest for example, which can add to his or her guilt and confusion. Abused children and adults often reveal that they believed they were the only ones to have endured this experience. Our treatment of the issue may collude in the conspiracy of silence and keep victims isolated.

It is important to remember:

- Most children make some attempt to ‘tell’ in the early stages of abuse. Often they are not heard. They may never tell again.
- Sexual abuse of a young child within a family usually only ends when the secret is told. Such abuse can be ongoing over many years. It is rarely a one-off event.
- No one really wants to hear that a child is being abuse, but unless someone hears, the abuse goes on
- Children react in different ways to the same home circumstances. If one child causes concern it is important to discuss the behaviour of other children in the family

Staff need to share concerns with other staff monitoring small incidents and be ready to listen to children’s problems. It is not, however, the responsibility of teachers and other staff to investigate suspected abuse.

Care must be taken in asking and interpreting children’s responses to questions and indications of abuse.

MAKING A REFERRAL

When a member of staff has reported a case of suspected abuse, disclosure or child in need concern to the designated teacher he/she should refer the case to, or discuss it with the investigating agencies. If the designated teacher is unsure about whether a case should formally be referred, he or she can seek advice from the LA’s Lead Officer for Child Protection or the local Social Services Department. Where the designated teacher is not the head teacher, he/she should keep the head teacher informed of a case.

When making referrals regarding a child concern (whether they are in need of support or protection) to Social Services, the designated teacher should ensure that they have, where appropriate and safe to do so, discussed their concerns with the

parent(s)/person(s) with parental responsibility/young person and sought their agreement to make a referral to Social Services.

The only exception to this would be where seeking parental consent would put a child at further risk of abuse/significant harm.

If consent to referral is not given, the designated teacher may wish to consult with Social Services, who will assist in ascertaining whether the threshold for child protection enquiries has been met, or whether any further action should be taken by the referring agency or themselves.

When making a referral, the designated teacher should state to the SSD team member that he/she wishes to make a child protection referral. The following information will be required:

- Child's full name
- Date of birth
- Home address and telephone number
- Parents/carers name(s)
- Child's GP
- Details of the reason for the referral
- The context and time
- The sequence of events/concerns
- The child's actual words if possible
- Any previous concerns
- Your name and position
- School name and address
- School telephone number
- Whether parents/carers have been notified of the referral/permission sought

A referral should be made as soon as possible after concerns have been raised, and always during the same working day.

Telephone referrals should always be followed up by a written referral, a copy of which should be sent under confidential cover to the LA Lead Officer for Child Protection.

MONITORING

Monitor the child. Record observations as factually as possible. If several notes have been made about the child, the designated person should seek advice through an 'early warning' meeting or from the LEA Lead Officer.

Copies of child protection information should be kept by the school until the child's 24th birthday.

Information for staff for keeping of records:

- Who decides when to start/finish monitoring?
- Where information will be recorded and in what form?
- Who will see it?
- Who will contribute information?
- Who will collate information?
- Who will decide on further action, eg contact with parents/carers, social worker?
- Training for staff

FRONT SHEET: CHILD PROTECTION RECORD

Date file started _____

Name of Child _____

Any other names by which child is known, if relevant _____

Date of Birth _____

Address: _____

Other family members (include full name, relationship eg mother, stepfather, etc. For UI8s, include age, if known:

Are there any other child protection files held in school relating to this child or another child closely connected to him her: YES/NO

If yes, which files are relevant _____

Name and contact number of key worker (Social Services), if known:

Name and contact number of GP, if known:

SAFE RECRUITMENT

The Recruitment Policy should be read in conjunction with the Safeguarding Children and Child Protection Policy and gives full details as to the policy and procedures in place for ensuring that checks for current and future members of staff, whether full-time, part-time, peripatetic or volunteers, meet the required standards, both legal and regulatory. In brief, the procedures are as follows:

1. Advertisement of vacancy (either locally or nationally depending on nature of vacancy) including brief job description and statement of commitment to safeguarding and promoting the welfare of children.
2. Review of applications.
3. Shortlist of candidates, for whom references will be obtained before interview if possible including specific enquiries about the applicant's background in relation to safeguarding. All references must be verbally (or in the case of overseas candidates, by email) verified, with a written record retained of said verification.
4. Shortlisted candidates will be invited to a face to face interview with the Headmaster, and if relevant, other members of staff. At least one of the interviewers will hold The Children's Workforce Development Council in Safer Recruitment in Education Certificate.

Currently held by Mr Nathan Cheesman and Mrs Jo Howells, the Certificates were awarded on 26th March 2010 and are valid for five years.

At interview, candidates will be questioned about their attitude towards and experience of safeguarding issues and will be given the opportunity to provide self-disclosed information, which may be relevant (see CRB checking below). The candidate will also be required to explain any gaps in his/her CV.

5. Shortlisted candidates will be invited to undertake a 'practical interview' ie teach a lesson, participate in activities with children, participate in activities relevant to the vacancy applied for.
6. A conditional offer letter will be sent to the successful candidate, said offer to be conditional upon receipt of references (if not previously obtained, as above), proof of qualifications, proof of identity and enhanced CRB clearance.
7. Enhanced CRB clearance must be received by the school prior to the commencement of employment. A candidate may choose to provide self-disclosed information at interview and this information will form part of the decision process in offering a candidate a position at the school.

Following the General Election in May 2010 the Home Secretary announced in June 2010 that the proposed Vetting and Barring Scheme due to be implemented from the end of September, 2010 is to be reviewed in consultation with the Department of Education and The Health Service. If

approved, The Vetting and Barring Scheme requires that all new members of staff recruited after the specified date will undergo the clearance procedures set out by the scheme and will be issued with a Vetting and Barring Number, of which the school will have a record. Existing members of staff will be included in the scheme on a rolling basis, the timetable for which clearance will be set out by the Vetting and Barring Scheme. Full details of the scheme have yet to be published and this information is correct at the present time, but may be subject to change.

8. For overseas candidates, checks will be carried out to ensure they are permitted to work in the United Kingdom.
9. At the start of employment at St Richard's, the new member of staff will be given a full induction on the school's Safeguarding Children and Child Protection Policy.
10. All Governors are subject to the same vetting procedures as members of staff. As from 26th July, 2010, all newly appointed Governors will be registered with the Independent Safeguarding Authority and other Governors will be registered upon their appointment or the renewal of existing CRB disclosures.

A new Chair of Governors must follow the process of having a CRB check through the DSCF (Regulation 4B(2)(a) which must be 'countersigned by the Secretary of State (*Handbook for the Inspection of Schools: Regulatory Requirements, January 2010*).

11. The school obtains CRB clearance for contractors, who work at the school on a regular basis.

VISITORS TO THE SCHOOL

All visitors to the school are required to report to the School Office to 'sign in' and provide proof of identity. They will be issued with a 'Visitor' badge and accompanied to a meeting with whichever member of staff. Visitors will not be permitted to walk round school premises unaccompanied. Visitors are required to return to the School Office to 'sign out' and will be accompanied to their car.

SAFEGUARDING CHILDREN IN EDUCATION: DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF

DfES, NOVEMBER 2005
www.cps.gov.uk

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in an education setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

All schools, including non-maintained schools, independent schools, and Academies, Further Education institutions, and Local Authorities exercising education functions, should use this guidance to review and, where appropriate, modify their practice and procedure for dealing with allegations of abuse made against teachers and education staff.

This guidance complies with the framework guidance about managing cases of allegations of abuse against people who work with children and supplements the guidance entitled *Safeguarding Children in Education* published by DfES in September 2004 and is relevant for the purposes of S175 and S157 of the Education Act 2002.

INTRODUCTION

1. This guidance is about managing cases of allegations that might indicate that a person is unsuitable to continue to work 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 in a school (including a volunteer) 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/she is unsuitable to work with children
2. All schools should have procedures for dealing with allegations, and all staff and volunteers should understand what to do if they receive an allegation against another member of staff or they themselves have concerns about the behaviour of another member of staff. The procedure should make it clear that all allegations should be reported straight away, normally to the Headmaster, and identify the person, often the Chair of Governors, to whom reports should be made in the absence of the Headmaster, or in cases where the Headmaster is the subject of the allegation or concern. Procedures should also include contact details for the designated Local Authority (LA) officer responsible for providing advice and monitoring cases.

3. There may be up to 3 strands in the consideration of an allegation:
- a police investigation of a possible criminal offence;
 - enquiries and assessment by children’s social care about whether a child is in need of protection or in need of services;
 - consideration by the school of disciplinary action in respect of the individual¹.

Some cases will also need to be reported to DfE for consideration of including the person on List 99, or consideration by the General Teaching Council (GTC), about possible sanctions against an individual.

¹ In some circumstances the school at which the person works will need to consider a case in which normal disciplinary procedures do not apply, and may need to act jointly with another organisation. That will be necessary when, for example, an allegation is made against a supply teacher provided by an employment agency or business, or against a person employed by a contractor, or a volunteer provided by a voluntary organisation. In some cases normal disciplinary procedures may not be appropriate because the person is a volunteer or self employed. Although in those cases the school will not have a direct employment relationship with the individual, it and the other organisation concerned, if any, will need to be involved and cooperate in an investigation, and in reaching a decision about whether to continue to use the person’s services, or to provide the person for work with children in future, and whether to report the person to DfE.

SUPPORTING THOSE INVOLVED

4. Parents/guardians 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 (subject to paragraph 15). They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process.

NB The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents, guardians or carers of the child should be told the outcome.

5. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children’s social care, or the police as appropriate, should consider what support the child or children involved may need.
6. The school should also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the school should also keep the individual informed about developments at school. As noted in paragraph 16, if the person is a member of a union or professional association he/she should be advised to contact that body at the outset.

CONFIDENTIALITY

7. Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated/considered. 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 might depart from that rule, e.g. an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand.) The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

RESIGNATIONS AND ‘COMPROMISE AGREEMENTS’

8. The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. 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 person 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 regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person 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.
9. By the same token so called “compromise agreements” by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used in these cases. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to List 99 where circumstances require that.

RECORD KEEPING

10. It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person’s confidential personnel file, 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 if the person has moved on. It will provide clarification in cases where a future CRB Disclosure reveals 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 person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

TIMESCALES

11. It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headmaster 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 fifteen working** days. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, and the timescales above merely provide useful targets to aim for that are achievable in many cases.

OVERSIGHT AND MONITORING

12. Local Authorities (LAs) with responsibility for schools should have a named senior officer who has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues, and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. In addition, designated LA officers should also be involved in the management and oversight of individual cases. The designated LA officer(s) will provide advice and guidance to schools, 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.
13. Police forces should also identify officers to fill similar roles. A senior officer to have strategic oversight of the arrangements and ensure compliance, and others, perhaps unit managers, who will be responsible for: liaising with the designated LA 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.

INITIAL CONSIDERATIONS

14. The procedures need to be applied with common sense and judgement. In rare cases allegations will be so serious as to require immediate intervention by children's social care and/or police. Others that meet the criteria in paragraph 1 may seem much less serious and on the face of it will not warrant consideration of a police investigation, or enquiries by children's social care.

However, it is important to ensure that even allegations that appear less serious are seen to be followed up and taken seriously, and that they are examined objectively by someone independent of the school concerned. Consequently, the LA designated officer should be informed of all allegations that come to the school's attention and appear to meet the criteria in paragraph 1, so that he/she can consult police and social care colleagues as appropriate. The LA designated officer should also be informed of any allegations that are made directly to the police (which should be communicated via the police force' designated officer) or to children's social care.

15. The LA designated officer's first step will be to discuss the allegation with the Headmaster (or Chair of governors) to confirm details of the allegation and establish that it is not demonstrably false or unfounded. If the parents/guardians/carers of the child concerned are not already aware of the allegation, the designated officer will also discuss how and by whom they should be informed. In circumstances in which the police or social care may need to be involved, the LA officer should consult those colleagues about how best to inform parents. However, in some circumstances the school may need to advise parents/guardians/carers of an incident involving their child straight away, for example if the child has been injured while at school, or in a school-related activity, and requires medical treatment.
16. The Headmaster should inform the accused person about the allegation as soon as possible after consulting the LA designated officer. However, where a strategy discussion is needed, or police or children's social care may need to be involved, the Headmaster should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association he/she should be advised to contact that organisation at the outset.
17. If the allegation is not demonstrably false or unfounded, and 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 paragraph 4.41 of "Working Together to Safeguard Children".

NB In these cases the strategy discussion should include a representative of the school (unless there are good reasons not to do that), and take account of any information the school can provide about the circumstances or context of the allegation and the pupil and member of staff concerned.

18. In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the LA designated officer should nevertheless conduct a similar discussion with the police, the school, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

NB The police must be consulted about any case in which a criminal offence may have been committed.

Like a strategy discussion that initial evaluation may not need to be a face to face meeting. It should share available information about the allegation, the child, and the person against whom the allegation has been made, consider whether a police investigation is needed and if so, agree the timing and conduct of that. In cases where a police investigation is necessary the joint evaluation should also consider whether there are matters which can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action will need to wait completion of the police enquiries and/or prosecution.

19. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s550A of the Education Act 1996. DfES guidance about that can be found at:
http://www.dfes.gov.uk/publications/guidanceonthelaw/10_98/summary.htm
20. If the complaint or allegation is such that it is clear that an investigation by police and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that is the case, the LA designated officer should discuss next steps with the Headmaster and Chair of Governors. In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future.
21. In some such cases further enquiries will be needed to enable a decision about how to proceed. If so, the LA designated officer should discuss with the Headmaster and Chair of Governors how and by whom the investigation will be undertaken. In straightforward cases that should normally be undertaken by a senior member of the school staff. However, in other circumstances lack of appropriate resource within a school, or the nature or complexity of the allegation will require an independent investigator. Many LAs already provide for an independent investigation of allegations in some way, often as part of the Personnel services that schools can buy in from the authority. It is important that LAs ensure that schools have access to an affordable facility for independent investigation where that is appropriate.

SUSPENSION

22. The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed — in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life. In some cases that will require the school to consider suspending the person until the case is resolved.
23. Suspension should be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by

the police, or is so serious that it might be grounds for dismissal. However, a person must not be suspended automatically, or without careful thought. Schools must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved, and may wish to seek advice from their personnel adviser. Schools should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements.

24. Neither the local authority, the police, nor children's social care, can require a school to suspend a member of staff or a volunteer. The power to suspend is vested in the Headmaster and the governing body of the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by social care and/or an investigation by the police, the LA designated officer should canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the school's consideration of suspension.

MONITORING PROGRESS

25. The LA designated officer should regularly monitor the progress of cases either via review strategy discussions or by liaising directly with the police and/or children's social care colleagues, or the employer as appropriate. Reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case.
26. 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 4 weeks** after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

INFORMATION SHARING

27. In a strategy discussion or the initial evaluation of the case the agencies concerned should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.
28. Wherever possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. That should be done as their investigation proceeds rather than after it is concluded. That will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

29. Children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation is 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 school without delay.

ACTION FOLLOWING A CRIMINAL INVESTIGATION OR A PROSECUTION

30. The police or the Crown Prosecution Service (CPS) should inform the school and LA designated officer straightaway when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances the LA designated officer should discuss with the Headmaster and Chair of Governors 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 should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

ACTION ON CONCLUSION OF A CASE

31. If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LA designated officer should discuss with the Headmaster and the Chair of Governors whether a referral to DfE for consideration of List 99 action or by the GTC is required, or advisable, and the form and content of a referral.
32. In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work the school should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very 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 school should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

LEARNING LESSONS

33. At the conclusion of a case in which an allegation is substantiated the LA designated officer should review the circumstances of the case with the Headmaster and Chair of governors to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.

ACTION IN RESPECT OF FALSE ALLEGATIONS

34. If an allegation is determined to be false, the LA designated officer should refer the matter to children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the Headmaster should consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible if he/she was not a pupil.

PROCEDURE FOR DEALING WITH ALLEGATIONS OR SUSPICIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF

1. The allegation or suspicion of abuse should be reported to the Headmaster immediately, unless the allegation or suspicion of abuse is about the Headmaster, in which case it should be reported to the Chair of Governors and the Second Child Protection Officer immediately.
2. The Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will institute initial investigations into the allegation or suspicion of abuse, which will involve some or all of the following:
 - Interviewing the child/children involved. This will be done with care and other members of staff may be invited to attend any such interviews to support the child/children and bear witness to proceedings.
 - Interviewing the teacher or member of staff against whom an allegation or suspicion of abuse has been made.
 - Interviewing other members of staff who may have relevant information.
 - Discussing the allegation or suspicion of abuse with parents/guardians or carers, if deemed appropriate.
 - Creating a file in which full details of the allegation or suspicion of abuse will be recorded to include details of the initial meeting at which the allegation or suspicion of abuse was raised, a 'Child Protection Record' sheet, a record of interviews with the child/children, the teacher or member of staff against whom the allegation or suspicion of abuse has been made, other members of staff who may have relevant information and any discussions with parents/guardians/carers. The Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will be responsible for ensuring that this file is kept up to date with all relevant information and for the safe keeping of this record, which should be retained at least until the accused person has reached normal retirement age or for a period of ten years from the date of the allegation or suspicion of abuse if that is longer.

As this file may be used in evidence in criminal proceedings it is vital that it provides a true and fair record of all investigations relating to an allegation or suspicion of abuse.

3. Based on the actions in 2 above, the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will decide whether:

- 3.1 The allegation or suspicion of abuse is false, in which case the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will decide what action, if any should be taken against the accuser, be they pupil, member of staff, parent/guardian/carer or other.
- 3.2 The allegation or suspicion of abuse is true but not of sufficient severity to warrant the involvement of external agencies, in which case the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will determine the appropriate course of action to ensure a satisfactory remedy of the situation, including:
- * Supporting the child/children affected by the allegation or suspicion of abuse and putting in place measures to prevent further abuse or the potential for further abuse.
 - * Disciplining the teacher or other member of staff accused of abuse following the school's disciplinary procedures and putting in place measures to prevent further abuse or the potential for further abuse.
 - * As appropriate, advising parents/guardians/carers of the nature and outcome of any investigations and the measures put in place to prevent further abuse or the potential for further abuse.

In such cases, the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) should institute appropriate action **within three working days**.

- 3.3 The allegation or suspicion of abuse is true and judged serious so as to warrant the involvement of external agencies, the Local Authority and/or the police, in which case the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will contact the said authorities immediately so that investigations may commence and recommended measures are implemented immediately. In this case, it may be necessary for the teacher or member of staff to be removed from school premises, whether of their own volition or not, whilst investigations are carried out.
4. In the case of 3.3 above, the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will agree timescales with the relevant external agencies and will keep all parties informed of progress having regard to the Confidentiality Clause on page 15 above.
5. The Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will inform Ofsted of any investigation following an allegation or suspicion of abuse **within fourteen days**.

6. Once initial investigations have been commenced and regardless of the probity of the allegation or suspicion of abuse, the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will institute a system of support and care for the child/children who is/are affected by the allegation or suspicion of abuse. This may involve selected members of staff, parents/guardians/carers and, where appropriate, representatives from external agencies.
7. Once any informal or formal investigations or criminal proceedings have been concluded, the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will inform all relevant parties of the outcome of the informal or formal investigations or criminal proceedings having regard to the Confidentiality Clause on page 15 above.
8. Following the conclusion of informal or formal investigations the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will instigate a complete review of the Safeguarding Policy (regardless of when any such review would normally fall within the school's stated Policy Review structure) to ensure that any revisions are implemented immediately to prevent further abuse or the potential for further abuse.
9. In cases where, as the result of a formal investigation or criminal proceedings, an allegation is judged to be false and/or unproven and it is decided that a teacher or member of staff, who has been suspended, may return to work, the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will put in place measures to assist them on their return. This will involve help, guidance and support and, depending upon circumstances, may involve a phased return to work and/or the provision of a mentor in the short term. The Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) should also consider how contact with the child or children involved in the allegation can best be managed, particularly given the size of St Richard's.
10. If, in the case of 9 above, the teacher or other member of staff against whom the allegation was made, decides not to return to St Richard's, the Headmaster (or in the case that the allegation or suspicion of abuse is about the Headmaster, the Chair of Governors and/or the Second Child Protection Officer) will formally agree with them the text of any reference and disclosures to be provided for future employment.

PROCEDURE FOR DEALING WITH ALLEGATIONS OR SUSPICIONS OF ABUSE OUTSIDE SCHOOL

From time to time, members of staff may become aware of abuse which is occurring outside school. As stated previously, the school environment may be the only stable, secure and predictable element in the lives of children at risk. In such cases, the member of staff should immediately report their concerns to the Headmaster and, as in the case with allegations or suspicions against a teacher or other member of staff, initial investigations can be conducted. If the Headmaster and/or other members of staff feel that there is a case to present, he will immediately contact the Local Authority officer for further guidance and referral.

In any event, full details of the allegation or suspicion should be recorded and a file commenced. At all times, the school will act in the best interests of the child/children believed to be at risk of abuse and/or potential abuse and will provide relevant information when requested. The school will work in tandem with external agencies where necessary. The school will provide support and care for the child/children at risk and will seek guidance and support from the Local Authority.

LOCAL AREA DESIGNATED OFFICER MODEL FOR DEALING WITH ALLEGATIONS OR SUSPICIONS OF ABUSE

The model on the following page has been provided by the Local Area Designated Officer and broadly reflects St Richard's Policy. One variation may be that a referral to the Independent Safeguarding Authority may be made before a final decision has been reached with regard to dismissal and will be judged on a case by case basis.

LOCAL AREA DESIGNATED OFFICER'S MODEL FOR DEALING WITH ALLEGATIONS OR SUSPICIONS OF ABUSE

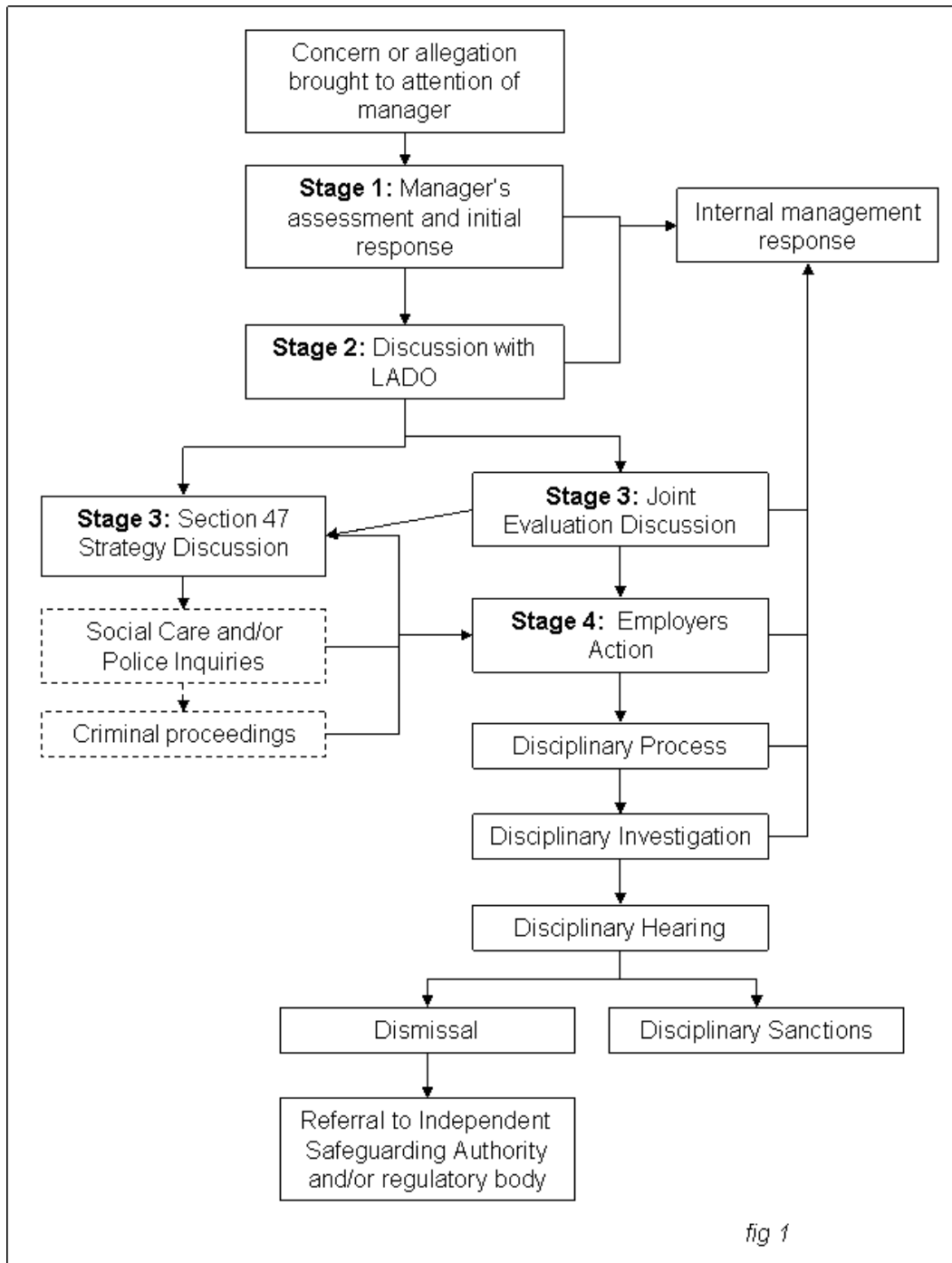


fig 1

**GUIDANCE FOR SAFE WORKING
PRACTICE FOR THE PROTECTION OF
CHILDREN AND STAFF IN EDUCATION SETTINGS**

FEBRUARY 2005

**Produced by:
The National Network of Investigation and Referral Support Co-ordinators
Established by:
Department for
EDUCATION AND SKILLS
creating opportunity, releasing potential, achieving excellence**

OVERVIEW

The vast majority of adults, who work with children in education settings, act professionally. They seek to provide a safe and supportive environment, which secures the wellbeing and very best outcomes for children and young people in their care. It is recognised that achieving these aims is not always straightforward. Much relies on pupil and staff interactions where tensions and misunderstandings can occur. It is here that staff behaviours can give rise to allegations being made against them. Allegations may be genuine, malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.

Staff working in education settings have expressed concern about their vulnerability and have requested clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. They have asked for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided. This document has been produced in response to these concerns. It seeks to ensure that the duty of care towards pupils and staff is promoted by raising awareness of illegal, unsafe and unwise behaviour. It is hoped that it will also assist staff to monitor their own standards and practice.

The guidance will also support employers in giving a clear message that unlawful or unseemly behaviour will not be tolerated and that where appropriate, legal or disciplinary action is likely to follow.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that any such guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their employer. It is expected that in these circumstances staff will always advise their senior colleagues of the justification for such action already taken or proposed.

This document should be read in conjunction with the National Employers Organisation for School Teachers (NEOST) 'Guidance on Conduct', 'Preventing Abuse of Trust', and 'Staff Facing an Allegation of Abuse' jointly produced by NEOST and the six Teacher Unions. This document is also of relevance to LAs and employers in education in respect of the requirements of Section 175 of the Education Act 2002 and the related guidance.

Safeguarding Children and Safer Recruitment in Education *DCSF 2006*

PREVENTATIVE APPROACHES

Through the curriculum children can be taught about the risks of different kinds of child abuse and equipped with the skills they need to help them stay safe.

A child protection programme should seek to support the child's development in ways, which will foster security, confidence and independence. It should be regarded as central to the wellbeing of the individual and is, therefore, seen to be an intrinsic

part of all aspects of the curriculum. The most appropriate approach is skills based, set alongside a knowledge component, with an emphasis on helping children to develop the personal and social skills they need to keep themselves safe and to become responsible and independent adults.

Child protection can be interwoven with many aspects of the existing curriculum. It can help children to:

- Promote their understanding of relationships, the interaction between relationships and key concepts
- Increase self esteem and awareness
- Make judgements and problem solve
- Be assertive
- Recognise, accept and express feelings
- Explore the nature of trust
- Identify 'okay' adults within personal safety networks
- Take decisions and accept responsibility for self and others
- Be self-reliant and independent

A supportive school ethos can encourage children to feel safe and to talk about their feelings. It can:

- Reduce isolation in emotions they experience
- Relieve tension by enabling children to talk and be listened to
- Provide an opportunity to develop an appropriate vocabulary, making violence a less likely way of expressing needs
- Allow children to perceive situations more clearly for planning an action or change
- Make children feel protected by a 'listening environment'. Abusive situations at home or school thrive on secrecy

All children need to know what to do in case someone tries to harm them. Knowing that the vast majority of children are abused or harmed by someone they know, teaching children to avoid dangerous situations, to recognise inappropriate touching, can encourage them to trust their own judgement and to feel safer, more aware and confident.

Designated teachers also have an important role in ensuring all staff and volunteers receive appropriate training. They should:

- Have received training in how to identify abuse and know when it is appropriate to refer a case together with having a working knowledge of how ACPC's operate and the conduct of a child protection case conference and be able to attend and contribute to these when required

THE ROLE OF THE GOVERNING BODY

The governing body of a school should:

- Sanction the child protection policy, review the policy annually, monitor and evaluate its effectiveness and be satisfied that it is complied with
- Ensure that a designated teacher together with a nominated Governor for child protection are in place
- Ensure that there are safe and effective recruitment policies and disciplinary procedures in place which adhere to The Education (Prohibition from Teaching or Working with Children) Regulations 2003.
- Recognise the importance of the role of the designated teacher and support them, ensuring the training necessary to be effective is undertaken and appreciate the additional duties taken on by the member of staff when carrying out this role especially when there are ongoing child protection issues.
- Recognise the contribution the school can make to helping children keep safe through the teaching of self protection skills and encouragement of responsible attitudes to adult life through PSHE and Citizenship curriculum

THE ROLE OF THE HEAD TEACHER

The Head teacher needs to:

- Put in place procedures for handling cases of suspected abuse, including allegations against staff and volunteers, which are consistent with those agreed by the local Safeguarding Children Board and are easily available to all staff and volunteers for reference
- Liaise with the nominated Governor on child protection issues and school policy

THE ROLE OF THE REGULATED ACTIVITY PROVIDER

The Regulated Activity Provider (the Headmaster) is responsible for regulated activity (ie any activity with pupils) and for staff involved with regulated activities. The Headmaster is responsible for recruitment and dismissal of members of staff and understands that it is a criminal offence to allow a barred person to work in regulated activity (see Recruitment Policy).

The Regulated Activity Provider must make a referral to the Independent Safeguarding Authority (ISA) (www.isa.gov.org.uk) if both the following criteria are met:

- If the Regulated Activity Provider withdraws permission for an individual (member of staff) to engage in regulated activity or would have done so if they had not already done so (ie the Headmaster has temporarily suspended the member of staff.

- The Regulated Activity Provider thinks that the individual has: engaged in relevant conduct, satisfied the Harm test, or received a caution for a relevant offence.

When the Regulated Activity Provider has gathered sufficient evidence to support a decision, a referral should be made. This should be after consultation with the Local Area Designated Officer and should not wait until the end of the disciplinary process. As a rule of thumb, the Regulated Activity Provider will make a referral when the criteria for the Harm Test is satisfied.

Criteria for the Harm Test:

- The individual has harmed a child
- The individual has caused a child to be harmed
- The individual has attempted to harm a child
- The individual has incited another to harm a child

It is a legal duty to refer any individual to the ISA and this duty will be upheld as above. It is school policy that any member of staff who has been referred to the ISA will be suspended (if not already suspended) pending a final decision from the ISA.

UNDERPINNING PRINCIPLES

- The welfare of the child is paramount (Children Act 1989)
- Staff are responsible for their own actions and behaviour and should avoid conduct which would lead any reasonable person to question their motivation or intentions
- Staff should work, and be seen to work in an open and transparent way
- Staff should discuss and/or take advice promptly from their line manager or another senior member of staff over any incident, which may give rise to concern
- Records should be made of any such incident and of decisions made/further actions agreed, in accordance with school policy for keeping and maintaining records
- Staff should apply the same professional standards regardless of gender or sexuality
- All staff should know the name of their designated person for child protection, be familiar with local child protection arrangements and understand the responsibilities to safeguard and protect children and young people
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them

PROFESSIONAL INVOLVEMENT

LEAS, school and parents have legitimate expectations about the nature of professional involvement in the lives of pupils. When individuals accept a role that

involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers have a duty of care towards their employees under the Health and Safety at Work Act 1974 which requires them to provide a safe working environment for staff and guidance about safe working practices. The Act also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. In this respect, the duty of care towards both staff and children can be demonstrated through the use of these guidelines. An employer's duty of care and the staff duty of care towards children should not conflict.

EXERCISE OF PROFESSIONAL JUDGEMENT

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour that is illegal, inappropriate or inadvisable. There will be occasions and circumstances in which staff have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge and in so doing, will be seen to be acting reasonably.

This means that where no specific guidance exists staff should:

- Discuss the circumstances that informed their action, or their proposed action, with a senior colleague. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted
- Always discuss any misunderstanding, accidents or threats with a senior manager
- Always record discussions and actions taken with their justifications

POWER AND POSITIONS OF TRUST

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people in education settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals.

If a member of staff is in any doubt whether to share information or keep it confidential he or she should seek guidance from a senior member of staff. Any media or legal enquiries should be passed to senior management.

The storing and processing of personal information about pupils is governed by the Data Protection Act 1998. Employers should provide clear advice to staff about their responsibilities under this legislation.

The booklet 'What to do if You're Worried a Child is Being Abused' contains further guidance on sharing information to protect children.

This means that adults should not:

- Use their position to gain access to information for their own advantage and/or a child's or family's detriment
- Use their power to intimidate, threaten, coerce or undermine pupils

PROPRIETY AND BEHAVIOUR

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, pupils and the public in general. An individual's behaviour, either in or out of the workplace should not compromise his/her position within the work setting.

The General Teaching Council for England's (GTCE) Code of Professional Values and Practice, which is now embodied within the standards for Qualified Teacher Status, recognises that 'Teachers support the place of the school in the community and appreciate the importance of their own professional status in society. They recognise that professionalism involves using judgement over inappropriate standards of personal behaviour.

This means that adults should not:

- Behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model
- Make sexual remarks to a pupil (including email, text messages, phone or letter)
- Discuss their own sexual relationships with, or in the presence of, pupils
- Discuss a pupil's sexual relationships in inappropriate settings or contexts
- Make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such

INAPPROPRIATE LANGUAGE

Sometimes a teacher or member of staff will try to relate to pupils, usually older children, by adopting their mannerisms and slang, or by treating them as peers and sharing inappropriate comments and humour, or details of their own personal lives. This is dangerous.

This behaviour does not build an effective relationship with the pupils despite what the member of staff might believe. It erodes the basis of a professional relationship in which the adult is expected to act objectively in the best interests of the child and blurs the boundary between what is appropriate and inappropriate behaviour on the part of each.

In many cases this kind of behaviour will not be serious enough to lead to a complaint but it will leave the member of staff in a very vulnerable and difficult position if an allegation of abuse is made against him or her.

For teachers, the principle that they should be role models for children is well established. They should not model their behaviour on that of children and nor should they follow their lead. The same principle applies to other staff even though they do not have the same pupil – teacher relationship and their position as a role model may not be so clear. It is also important to recognise that over-familiarity or befriending behaviour can be the start of a grooming process with older pupils.

DRESS AND APPEARANCE

A person's dress and appearance are matters of personal choice and self expression. However staff should consider the manner of dress and appearance appropriate to their professional role which may be different to - that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegation.

This means that adults should wear clothing which:

- Promotes a positive and professional image
- Is appropriate to their role
- Is not likely to be viewed as offensive, revealing or sexual

INFATUATION/INAPPROPRIATE BEHAVIOUR BY A PUPIL

A member of staff, who becomes aware that a pupil may be infatuated with themselves or a colleague, should discuss this at the earliest opportunity with a senior colleague so that appropriate action can be taken. In this way, steps can be taken to avoid hurt and distress for all concerned.

SOCIAL CONTACT

Staff should not establish or seek to establish social contact with pupils for the purpose of securing friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise his/her professional judgement in making a response and be aware that such social contact could be misconstrued.

Staff should not give their personal details such as home/mobile phone number home or email address to pupils unless the need to do so is agreed with senior management. Internal email systems should only be used in accordance with school policy.

This means that adults should:

- Always approve any planned social contact with senior colleagues, for example when it is part of a reward scheme or pastoral care programme
- Advise senior management of any regular social contact they have with a pupil which may give rise to concern
- Report and record any situation, which they feel, might compromise the school or their own professional standing

PHYSICAL CONTACT

There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role.

A ‘no touch’ approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background. Appropriate physical contact in schools may occur most often with younger pupils.

It is not possible to be specific about the appropriateness of each physical contact since an action that is appropriate with one child in one set of circumstances, may not be appropriate with another child in another set of circumstances.

This means that adults should:

- Be aware that even well intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described
- Never touch a child in any way which may be considered indecent
- Always be prepared to explain actions and accept that all physical contact be open to scrutiny
- Never indulge in horseplay, tickling or fun fight

This means that schools should:

- Ensure they have a system in place to support staff
- Have a clearly stated policy on Physical Contact

PHYSICAL EDUCATION AND OTHER ACTIVITIES WHICH REQUIRE PHYSICAL CONTACT

Some staff, for example, those who teach PE and games, or who offer music tuition, will on occasions have to initiate physical contact with pupils in order to support a child so they can perform a task safely, or to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the pupil’s agreement. Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment (see

under One to One Situations below). Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

This means that adults should:

- Consider alternatives where it is anticipated that a pupil might misinterpret any such contact, perhaps involving another member of staff, or a less vulnerable pupil in the demonstration
- Be familiar with and follow recommended DFE guidance (British Association of Advisers and Lecturers in Physical Education: Guidance for Schools and LEAs)
- Always explain to a pupil the reason why contact is necessary and what form that contact will take

SHOWERS AND CHANGING

Young people are entitled to respect and privacy when changing clothes or taking a shower. However, there needs to be an appropriate level of supervision in order to safeguard young people, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

Staff therefore need to be vigilant about their own behaviour, ensure that they follow the agreed guidelines and be mindful of the needs of the pupils.

This means that adults should:

- Avoid any physical contact when children are in a state of undress
- Avoid any visually intrusive behaviour and where there are changing rooms
- Announce their intention of entering
- Avoid remaining in the room unless a pupil needs/requires it

PUPILS IN DISTRESS

There may be occasions when a distressed pupil needs comfort and reassurance. This may include age-appropriate contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation. Where a member of staff has a particular concern about the need to provide this type of care and reassurance he/she should consult a senior member of staff.

This means that adults should:

- Consider the way in which they offer comfort to a distressed pupil
- Always tell a colleague when and how they offered comfort to a distressed child
- Record situations which may give rise to concern

SEXUAL CONDUCT

Sexual conduct towards a child or young person is both inappropriate and illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether the child or young person consents or not. This includes the prohibition on adults in a position of trust (see Power and Positions of Trust).

The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Working Together to Safeguard Children' (Department of Health, Home Office, DfES 1999) defines sexual abuse as 'forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening'.

There are occasions when adults embark on a course of behaviour known as 'grooming' process, which is an offence.

More detailed guidance is available in the joint NEOST/Union Guidance on Preventing Abuse of Trust and Sexual Offences Act 2003.

This means that adults should:

- Not pursue sexual relationships with children and young people either in or out of school
- Avoid any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative ie verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact

ONE TO ONE SITUATIONS

Staff working in one to one situations with children and young people may be more vulnerable to allegations. Teachers and others should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure the safety and security needs of both staff and pupils are met.

Schools need to consider these issues in drawing up their school policies and offer clear training and guidance for the use of any areas of the school, which place staff or children in vulnerable situations.

This means that adults should:

- Avoid meetings with pupils in remote, secluded areas of school
- Ensure that there is visual access and/or an open door in one to one situation
- Inform other staff of the meeting beforehand, assessing the need to have them present or close by
- Avoid the use of 'engaged' or equivalent signs wherever possible. Such signs can be misinterpreted

ST RICHARD'S SAFEGUARDING/CHILD PROTECTION TEAM

Designated Lead Child Protection Contact:

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Second Child Protection Contact:

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01743 280620/07876 335771

EXTERNAL AGENCIES

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www.isa-gov.org.uk

Referral Unit

01432 261628

Ofsted

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Herefordshire Safeguarding Children Board

www.herefordshiresafeguardingchildrenboard.org.uk

West Mercia Police Child Protection Unit:

0300 333 3000