



DRAFT FOR CIRCULATION ACROSS LONDON

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SAFEGUARDING CHILDREN IN EDUCATION

HANDBOOK FOR SCHOOLS AND OTHER EDUCATIONAL ESTABLISHMENTS

INTRODUCTION

Safeguarding and promoting the welfare of the children and young people is an important element of the government's every child matters change for children programme, which is based on 5 inter-dependent outcomes for children and young people

- be healthy
- stay safe
- enjoy and achieve
- make a positive contribution
- achieve economic well being

All staff can contribute to safeguarding children by helping to create and maintain a safe environment in their particular school or establishment. Children should be assured that any concerns they have will be listened to and taken seriously e.g. peer support schemes and accessible displays of information such as Child Line and NSPCC help lines.

Children can be helped to understand how they can stay safe from harm and speak up if they have worries or concerns. The non-statutory framework for Personal Social and Health Education (PSHE) provides opportunities for pupils to be taught, for example, to:

- recognise and manage risks in different situations
- judge what physical contact is acceptable and unacceptable
- recognise threats to their personal safety and well-being from others (including people they know)
- develop techniques to resist unhelpful pressure
- know when and from where to get help

Safeguarding arrangements need to include:

- taking all reasonable measures to ensure that risks of harm to children's welfare are minimised; and,
- taking appropriate actions to address child welfare concerns, working to agreed local policies and procedures in full partnership with other local agencies

The procedures contained within this handbook are intended to provide a framework for all education staff faced with child welfare concerns, including allegations against staff. They deal with the contribution that staff can make to the assessment of children's needs and any related child protection enquiries.

They reflect the principles that:

- the welfare of the child is paramount
- concerns and allegations of abuse will be taken seriously
- employers have a duty of care to staff who should be appropriately supported

These procedures apply to staff, both employed (including those engaged through employment agencies) and voluntary, in the full range of educational establishments, including staff in Further Education (FE) institutions in respect of students under the age of 18 years, and local education authority¹ (LEA) staff. They can be applied to staff in independent and other non-maintained schools and educational establishments; and also City Academies and City Technology Colleges which are not maintained by the LEA. The LEA's responsibilities will only apply in respect of these establishments if this has been agreed.

The contents of this handbook are not designed to cover every eventuality or type of abuse, and further guidance can be found in:

- Safeguarding Children in Education DfES/0027/2004
- Working Together to Safeguard Children 1999²
- Framework for the Assessment of Children in Need and their Families 2000
- What To Do If You're Worried A Child Is Being Abused 2003
- The London Child Protection Procedures 2003
- NEOST/Joint Union Guidance on dealing with allegations against staff 2002
- Safeguarding Children: Safer Recruitment and Selection in Education Settings DfES/1568/2005

1. RELEVANT LEGISLATION

1.1 Ss17, 27 and 47 Children Act 1989 respectively, require:

- local authorities to safeguard and promote the welfare of children in need and provide appropriate services
- LEAs and other organisations to assist in the exercise of functions, including those under s17
- local authorities to make child protection enquiries if they have reasonable cause to suspect a child in their area is suffering or is likely to suffer significant harm, and for LEAs and other organisations to assist them with those enquiries

1.2 S175 Education Act 2002³ requires LEAs and Governing Bodies of maintained schools and FE institutions to:

- make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children, and
- have regard to any guidance issued by the Secretary of State in considering what arrangements they need to make for that purpose of the section

¹ Includes local authority education services

² Currently being revised

³ A similar duty is placed on proprietors of independent schools (including academies and city technical colleges) by S157 Education Act 2002 and the Education (Independent Schools Standards) (England) Regulations 2003, and on Governing Bodies of non-maintained special schools by The Non Maintained Special Schools Regulations 1999.

- 1.3 S11 Children Act 2004 places a similar duty to that in S175 i.e. to ensure their functions are carried out with a view to safeguarding and promoting the welfare of children, on Children's Services Authorities, District Councils, Health, Police, Probation, and Prisons, and others.
- 1.4 S10 Children Act 2004 places a duty on Local Authorities to make arrangements to promote co-operation between agencies in order to improve children's well-being, and requires key partners to take part in those arrangements.
- 1.5 S115 Crime and Disorder Act 1998 enables any person, who would otherwise not have the power to do so, to disclose information to a relevant authority including police authorities, local authorities, probation committees, health authorities, or to persons acting on their behalf, for the prevention and reduction of crime and the identification or apprehension of offenders.

2. ROLES AND RESPONSIBILITIES

LOCAL EDUCATION AUTHORITY

- 2.1 To fulfil its strategic responsibilities, the LEA should:
 - allocate resources to enable the LEA and maintained schools to discharge their safeguarding responsibilities
 - allocate resources to support the work of the Local Safeguarding Children Board (LSCB) and ensure a senior officer represents the LEA on the LSCB
 - contribute effectively to planning co-ordinated services
 - develop & support effective partnership working
 - liaise with diocesan authorities regarding arrangements for aided schools
 - monitor the compliance of maintained schools with DfES safeguarding guidance, particularly the existence and operation of policies and procedures and the training of staff
 - bring deficiencies to the attention of Governing Bodies and advise appropriate action
 - act to resolve inter-agency problems as soon as identified
 - play a full part in serious case reviews; review and revise procedures and training in light of those findings, and disseminate relevant information to designated persons
- 2.2 To fulfil its support responsibilities, the LEA should ensure:
 - safeguarding is included in induction training for new LEA staff, school staff who will work with children, and governors
 - appropriate refresher and LSCB training is available to staff
 - model child protection policies and procedures are provided for

schools which includes safe recruitment and procedures for dealing with allegations against staff and volunteers

- advice and support is provided to school staff about individual cases and action is taken to resolve any difficulties
- arrangements are in place to support designated staff
- a good working relationship between designated staff, children's social workers and staff in other agencies

2.3 To fulfil its operational responsibilities, the LEA should:

- operate safe recruitment practices
- have safeguarding arrangements for children not allocated or excluded from a school place, including those in pupil referral units (PRUs), or via the home tutor service
- ensure inter-agency procedures address the safeguarding of children employed, or educated at home (education services may lead on this because of their other responsibilities, e.g. ensuring the quality of education for children educated at home)
- have procedures for dealing with allegations of abuse against staff and volunteers and work with schools and LSCB agencies to ensure they are dealt with quickly, fairly & consistently
- ensure education staff and staff acting on its behalf, receive appropriate child protection training

DESIGNATED LEA LEAD OFFICER FOR CHILD PROTECTION

2.4 The LEA should identify a senior officer⁴ for child protection to undertake and manage its functions and services in order to discharge its safeguarding responsibilities.

EDUCATION WELFARE OFFICERS⁵ (EWOs)

2.5 EWO's responsibilities include poor and non school attendance, but may also include assisting designated persons in monitoring children on the CPR, referring child protection concerns to social care, and providing advice, support and training to schools and other education staff on child protection matters

HUMAN RESOURCES (HR)/PERSONNEL OFFICER

2.6 Human Resources staff play a key role in:

- the recruitment and selection of staff
- managing allegations of abuse made against staff and should be involved at the early stages

⁴ Increasingly a full time post in LEAs

⁵ May be known by a different title in some authorities

- advising the Head teacher, LEA Lead Officer, and partner agencies e.g. at strategy discussions, on employment issues, including suspension, disciplinary procedures, record keeping and support for the accused member of staff

GOVERNING BODY/PROPRIETOR

- 2.7 The Governing Body/Proprietor is responsible for ensuring:
- the school/institution has a child protection policy which is reviewed and updated annually and made available to parents
 - the school/institution has child protection procedures that satisfy and evidence statutory requirements, is updated annually, complies with LSCB procedures, and includes the management of allegations against staff and volunteers
 - the school/institution operates safe recruitment practices
 - a senior member of the school/institution's leadership team, (with deputy/ies), is designated to take lead responsibility for dealing with child protection issues (they need not be a teacher but must have the status and authority to carry out the role)
 - any identified deficiencies or weaknesses in the child protection arrangements are remedied without delay
 - the Head teacher/Principal, Governors, Designated Person, and all staff who work with children, receive appropriate child protection training
 - an annual review is conducted as to how the safeguarding duties have been discharged (maintained schools should also provide this information to the LEA)
- 2.8 A Nominated Governor may lead in safeguarding functions, but the responsibility rests with the whole Governing Body.

CHAIR OF GOVERNORS/PROPRIETOR

- 2.9 The Chair of Governors/Proprietor, or deputy, is responsible for liaising with the LEA and/or partner agencies should an allegation of abuse be made against the Head teacher/Principal.

HEAD TEACHER/PRINCIPAL

- 2.10 The Head teacher/Principal should ensure:
- child protection policies and procedures are fully implemented and followed by all staff
 - resources are allocated to enable the designated person, and other staff as needed, to attend strategy discussions, inter-agency meetings, contribute to assessments etc
 - pupils feel able to raise child welfare concerns

- staff and volunteers feel able to raise concerns about poor or unsafe practice in regard to children, and such concerns are addressed sensitively and effectively in a timely manner in accordance with agreed whistle blowing policies
- allegations against staff or volunteers are the subject of consultation with the LEA lead officer with designated responsibility, in order that they are referred to social care and/or police if appropriate

DESIGNATED PERSON

2.11 The designated person should:

- act as a source of support, advice and expertise within the school/institution when deciding whether to refer a child welfare concern, by liaising with relevant agencies
- liaise with the Head teacher/Principal (where this role is not carried out by the Head teacher/principal) regarding any issues and ongoing investigations
- refer cases of suspected abuse to social care and/or police
- keep secure, detailed and accurate written records of referrals/concerns
- work with the Governing Body to ensure the school's child protection policy and procedures are reviewed and updated annually
- ensure parents have access to the school's child protection policy which should explain the school's role in referring child welfare concerns

2.12 A deputy (or deputies in larger establishments) should be appointed to act in the absence of the designated person.

3. SAFE RECRUITMENT

3.1 Employers should have an explicit written recruitment and selection policy and procedure detailing all aspects of the process which complies with national⁶ and local guidance and links to their child protection policy and procedures.

EMPLOYED STAFF

3.2 Safe recruitment practice means:

⁶ Further information can be found in

- Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service – DfES/0278/2002
www.teachernet.gov.uk/docbank/index.cfm?id=2172
- Safeguarding Children: Safer Recruitment and Selection in Education Settings DfES 1568/2005
<http://publications.teachernet.gov.uk/eOrderingDownload/Safer%20recruitment.pdf>

- Verifying an applicant's identity and academic or vocational qualifications
- Obtaining professional and character references
- Checking employment history, and reasons for any gaps
- Ensuring a candidate has the health and physical capacity for the job
- Conducting a face to face interview that explores the candidate's suitability to work with children
- Conducting a mandatory List 99 check
- Conducting a Criminal Records Bureau (CRB) check⁷ on all persons who will have unsupervised access to pupils
- Checking that a teacher is registered with the General Teaching Council (GTC) and whether any restrictions are in force
- Verifying a teacher's Qualified Teacher Status (QTS) unless properly exempted

GOVERNORS

- 3.3 DfES guidance⁸ states that school governors are not required to undergo a CRB check unless engaged in work or other activity e.g. volunteer, which by its nature would require a CRB check to be made.
- 3.4 The DfES recommends that local authorities, dioceses and schools, should ask governors to make a formal declaration:
- of any convictions, including those spent under the Rehabilitation of Offenders Act
 - that they are not otherwise disqualified from serving as a governor
- 3.5 The declaration should be supported by a list 99 check and in the case of appointed or co-opted governors, any other checks that the appointing body consider appropriate in order to establish the person's suitability.

VOLUNTEERS

- 3.6 Parents and volunteers may be discouraged from volunteering because they find the checking process intrusive. The DfES advise that CRB checks need not be carried out on existing volunteers continuing with old duties, or volunteers helping with single events such as sports days, fetes or school trips, unless this involves an overnight stay. A CRB check must be carried out if a volunteer has/ will have unsupervised access to children.

⁷ Persons applying to work with children are exempt from the Rehabilitation of Offenders Act 1974 and must therefore be asked to declare all convictions, cautions and bind-overs

⁸ Criminal Records Bureau: Managing the demand for disclosures DfES0870/2002

- 3.7 For new volunteers or those changing duties, Head teachers should consider duration, frequency and nature of contact with children, seek references from employers and/or voluntary organisations who may know the volunteer, and use their knowledge of the duties that fall within the post to decide whether a CRB check should be carried out

OTHER PERSONS WORKING IN OR VISITING SCHOOLS

- 3.8 It is not necessary to check school visitors who will not have contact with children e.g.
- people on site before or after school hours when children are not present e.g. cleaners
 - contractors working in areas where children are not allowed e.g. building contractors
 - visitors who only have brief contact with children where a teacher is present e.g. maintenance staff, or visitors
 - pupils working in other schools e.g. on work experience, voluntary service, citizenship and other vocational studies (the school should ensure that the pupil is suitable for the placement)

SUPPLY WORKERS

- 3.9 Prior to employing a supply worker, Head teachers, Principals and Proprietors should be satisfied that the employment business/agency has robust safe recruitment procedures.

OVERSEAS STAFF

- 3.10 CRB checks on overseas staff⁹ should be completed unless it is verified that the applicant has not previously lived in the UK, in which case there will be no criminal record in the UK, or any entry on DfES List 99 or the Department of Health Protection of Children Act (POCA) List. The employer should however, undertake all other checks, conduct a face to face interview, and wherever possible obtain a certificate of good conduct from the applicant's home country police force.

4. SAFEGUARDING CHILDREN IN SPECIFIC CIRCUMSTANCES

BOARDING SCHOOLS

- 4.1 Boarding schools are inspected by the Commission for Social Care Inspection (CSCI). The inspection regulations¹⁰ set out standards to

⁹Further information about criminal record information from overseas police forces can be found at www.crb.gov.uk/services_overseas.asp

¹⁰The Boarding Schools National Minimum Standards Inspection Regulations published by the Secretary of State under section 87 C(1) of the Children Act 1989 as amended by the Care Standards Act 2000.

safeguard and promote the welfare of children. Standard 3 is specific to child protection and allegations of abuse.

CHILDREN ABSENT FROM SCHOOL

- 4.2 If a child is absent from school without prior notification, the parent/carer should be informed immediately in order to confirm the child's location. Any associated child welfare concern should be referred to social care and/or police

CHILDREN MISSING EDUCATION

- 4.3 All LEAs, working to locally agreed procedures, should ensure that all pupils who go missing or are lost from schools within their borough are speedily located¹¹, and that they support other LEAs to locate their own missing or lost pupils.
- 4.4 If a child leaves a school without notice being given by the parent, or without the school being advised by the parent as to which new school the child is to attend, the school should promptly notify its education welfare service¹².
- 4.5 If the child's name is on the Child Protection Register (CPR), or is subject of particular child protection concerns, the designated person within the school should first immediately notify the local social care team.
- 4.6 When a child is thought to be missing education for 4 weeks or more, a search should be made of:
- all education provider rolls in the area, including schools, PRUs and other providers of alternative provision
 - the LEA's central database for children educated otherwise than at school
- 4.7 If there is strong evidence to suggest the child/young person has moved to a different LEA then contact should be made with the education welfare service in the new authority using the School to School (s2s) messaging system.

¹¹ Reference should be made to LCPC Guidance on assessing risk of children missing education additionally becoming children whose whereabouts are unknown Weblink?

¹² Every LEA should have a named individual responsible for receiving details of children missing education and liaising with other agencies as appropriate 'Identifying and Maintaining Contact with Children Missing or At Risk of Going Missing from Education -Process Steps - Good Practice Guide'
<http://www.dfes.gov.uk/educationprotects/upload/ACF4F6.doc>

- 4.8 If a child/young person is not located:
- a referral should be made to social care and/or the police
 - the child's name should be removed from the school roll
 - a common transfer file should be created and entered on the DfES Lost Pupils Database

CHILDREN REMOVED FROM SCHOOL ROLL

- 4.9 Head teachers should check that the correct criteria¹³ are being applied before deciding to remove a child's name from the school roll which could place the child in a vulnerable position.

CHILDREN NOT COLLECTED FROM SCHOOL

- 4.10 Children not collected from school is a shared responsibility, and a protocol should therefore be jointly established between the LEA, social care and police, endorsed by the LSCB and agreed by all Head teachers.

EXCLUSIONS

- 4.11 In deciding whether to exclude a child, Head teachers, Governing Bodies and all other staff involved in the process, should have regard to government guidance on improving behaviour and attendance¹⁴. Exclusion should not be used if there are possible alternatives and should only be used:
- In response to serious breaches of the school's behaviour policy; and
 - if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school
- 4.12 In exceptional circumstances, a Head teacher can authorise a fixed period of absence with the parents' agreement and if necessary, arrange for the pupil to be educated elsewhere without parental consent. Neither arrangement amounts to a formal exclusion and should be kept under periodic review.
- 4.13 Exclusion, leave of absence, or arrangements for education elsewhere, should not be enforced if it may put the safety of a pupil at risk. If a pupil is requested to leave school premises immediately, the parent should be contacted prior to the pupil leaving the school. Social care and the LEA Lead Officer should be informed immediately if there are child protection concerns about an excluded child or where exclusion is being considered.

¹³ Education (Pupil Registration Regulations 1995

¹⁴ Improving Behaviour and Attendance: DfES Guidance on Exclusion from Schools and Pupil Referral Units (DfES/0354/2004)

- 4.14 Where a pupil makes an allegation against a member of staff, a Head teacher should not exclude, or take any similar action against the pupil, as an alternative to suspension of the member of staff. Any decision to exclude a pupil should be independent of the procedures for dealing with allegations and should only be taken if the relevant criteria are met.

CHILDREN IN EMPLOYMENT

- 4.15 Children of compulsory school-age may only work¹⁵ if they are aged over 13 years and have a work permit issued by the local authority. Children may only be employed in light work which is not likely to harm their safety, health or development and which does not affect their attendance at school or their capacity to benefit from any other education provision which they receive.
- 4.16 If school staff become concerned that a child's employment is affecting either his/her attendance at school or education provision, or appears to be affecting his/her health then discussion should take place with the education welfare service which normally issue, or withdraw licences.

CHILDREN IN ENTERTAINMENT

- 4.17 The local authority is responsible for licensing¹⁶ children engaged in theatre, T.V, film, sporting activities or modelling. This is normally carried out through the education welfare service. The appropriate officer will consider the nature and schedule of rehearsals and performances, together with arrangements for chaperoning and the child's education. Licenses may be withheld or withdrawn if the local authority is not satisfied with the arrangements or if the Head teacher does not grant permission for absence from school.

EXTENDED SCHOOLS¹⁷/SCHOOL LETTINGS

- 4.18 The Governing Body controls the use of the school premises both during and outside school hours, except where:
- a trust deed allows a person other than the governing body to control the use of the premises, or
 - a transfer of control agreement has been made

¹⁵ The employment of school aged children is governed by national laws and regulations and by local byelaws.

¹⁶ The procedure for granting licences is laid down in The Children and Young Persons Acts 1933 and 1963 and The Children Performances Regulations 1998.

¹⁷ Extended Schools www.teachernet.gov.uk/wholeschool/extendedschools/

- 4.19 Where the Governing Body provides services or activities directly under the supervision or management of school staff, the school's child protection policy and procedures will apply.
- 4.20 Where services or activities are provided separately by another body, the Governing Body should seek assurance that the body concerned has policies and procedures in place which are compliant with LCPC procedures, and include arrangements to liaise with the school where appropriate.

PHOTOGRAPHY, VIDEO AND OTHER CREATIVE ARTS

- 4.21 Many school activities, such as school plays & sports events, involve families, friends, staff and other pupils taking photographic images of children. This will usually be innocent by nature, but staff should be alert to individuals who may attempt to take inappropriate photographs of children whilst they are in vulnerable positions.
- 4.22 Staff should also be sensitive to children who appear uncomfortable when being photographed and should also recognise the potential for the motives of a person taking photographs to be misinterpreted.
- 4.23 If an educational establishment, intends to use photographic images of pupils for publicity purposes e.g. websites, publications, in a public place within a school, consent should be obtained from the pupil, if of sufficient age and/or the parent/carer. Photographic images should be securely stored and only authorised persons should have access. With regard to the use of photographic images, it is recommended that:
- where a photograph is used, the pupil should not be named
 - a photograph should not be used if the pupil is named

INFORMATION TECHNOLOGY (IT), INCLUDING USE OF THE INTERNET

- 4.24 Information Technology (IT), including use of the Internet, is used extensively for educational purposes, both in and outside of school/institution settings, including home education. All schools and other educational establishments should have policies for both staff and pupils which make it clear what is and what is not appropriate use of IT in all its forms, including the suitability of websites for use by pupils.
- 4.25 Any concerns that a pupil has accessed indecent/abusive images of children should be immediately referred to social care and the police. Any concerns that a member of staff has accessed such material, should also be referred to social care and the police, via the LEA Lead Officer if appropriate.

- 4.26 No attempt should be made to examine the equipment used or switch it on or off, as this could destroy important evidence. The individual thought to have accessed the material, and/or parent if the individual is a pupil, should not be informed until this has been agreed with social care and/or police.
- 4.27 If the material is thought to contain adult pornography, advice should be sought from the LEA Lead Officer as there may be child in need or disciplinary concerns. Again, no attempt should be made to examine the equipment as it is unlikely that the full extent of the material accessed will be known at that stage.
- 4.28 IT, including the use of e-mail and mobile phone messaging, has also been used by some adults to establish contact with children with a view to grooming them for inappropriate or abusive relationships. If there are any concerns that a child pupil has received such inappropriate contact, an immediate referral should be made to social care and/or the police.
- 4.29 If there are any concerns that a member of staff has sent inappropriate communications to a child, an immediate referral should be made to social care and/or the police, after consultation with the LEA lead officer if appropriate.
- 4.30 The use of cameras, including mobile camera phones, to record images of bullying should be dealt with in accordance with the appropriate child protection or bullying procedures.

MEDICAL NEEDS OF PUPILS

- 4.31 All schools and other educational establishments should have a policy and procedures¹⁸ for dealing with the medical needs of its pupils. The Head teacher should ensure that all parents are aware of the school/establishment's policy and procedures, which should be part of the Health and Safety policy.
- 4.32 There is no legal duty for school staff to administer medication to pupils and staff who do so act in a voluntary capacity. Staff who provide support for pupils with medical needs, or who volunteer to administer medication, should be appropriately trained and be provided with all relevant information about the pupil's needs. No pupil under 16 should be given medication without his or her parent's written consent.

¹⁸ Policies and procedures should have regard to:

- DfEE/DoH Good Practice Guide 'Supporting Pupils with Medical Needs', and
- DfES Circular 14/96 Supporting Pupils with Medical Needs

INTIMATE CARE

- 4.33 Staff who administer intimate care should be appropriately trained. Any concerns of abuse such as bruises identified during this period should be brought to the attention of the designated person as soon as practicable.
- 4.34 Staff should encourage children to be as independent as possible and undertake as much of their own personal care as they are reasonably able to. The dignity of children should be respected at all times. Only one adult should administer intimate care unless there is a good reason for another adult to be present, and the reasons for this should be recorded. In order to minimise the possibility of an allegation, staff should ensure that an appropriate adult is in the vicinity and is aware of the task to be undertaken. A care plan should be drawn up and agreed with parents/carers for all children who require intimate care on a regular basis.

LOOKED AFTER CHILDREN

- 4.35 The local authority should have systems in place that can quickly deal with any issues around education placement for looked after children, and all schools should have a designated teacher for looked after children. If a looked after child is believed to be missing from education, a referral should be made to social care¹⁹.
- 4.36 Looked after children will be the subject of 'in care reviews' regarding their general needs, and also review case conferences if placed on the child protection register. Education staff from the child's school will be expected to contribute to both assessments of the child's circumstances.

PHYSICAL INTERVENTION

- 4.37 All schools and other educational establishments should have a policy setting out guidelines about the use of force to control or restrain pupils. When drawing up such a policy, schools and establishments maintained by the LEA should refer to any model policy about touching, holding, or restraining pupils that the LEA has developed. Other establishments may also find it helpful to refer to any such policy and/or seek advice from their professional association. A statement of the school/establishment's policy on this issue should be included with the information the school gives parents about the school's policy on discipline and standards of behaviour.

¹⁹ Social Care will follow guidance in *Children Missing from Care and Home - A Guide to Good Practice* issued in November 2002.

- 4.38 Any incident involving the use of force by school staff to control or restrain a pupil, in accordance with Section 550a of the Education Act 1996, must be recorded at the time or as soon as practicable afterwards. Any allegation of inappropriate restraint or excessive force should initially be considered under child protection procedures.

SCHOOL TRIPS

- 4.39 The leader of a school trip and support staff have a duty to safeguard and promote the welfare of all the pupils in their care. This duty of care remains throughout a trip and is not confined to particular hours or situations. Staff should act professionally and take all reasonable measures to make sure that the pupils are safe and protected from unacceptable risks.
- 4.40 Staff must be aware of how to deal with disclosures of abuse, allegations against school or centre staff, and even stranger abuse, and know who they should report concerns to. Before undertaking any school trips all staff should familiarise themselves with the school and LEA guidance on activities away from the school premises.

TRANSPORTING CHILDREN

- 4.41 Some vulnerable children are transported to schools in sponsored transport because they have special educational or other needs. LEAs should ensure they have a service level agreement with all transport providers that their drivers:
- are CRB checked (enhanced check if transporting children without an escort)
 - receive basic child protection training
 - are made aware of safe practice guidelines

5. SAFEGUARDING CHILDREN IN NON-SCHOOL SETTINGS

CHILDREN EDUCATED OTHERWISE THAN AT SCHOOL

- 5.1 Parents have a right²⁰ to educate a child otherwise than at school e.g. home tutors and parental teaching. Most parents properly consider the implications to the child's educational and social development, but in some cases, this decision may have been reached swiftly, following a disagreement with the school.

²⁰ Education Act 1996

- 5.2 A protocol should be established between schools and the LEA whereby the LEA is informed immediately when a parent communicates their intention to exercise this right. A LEA officer must inspect the quality of the proposed education in order to satisfy the LEA that it is sufficient, giving appropriate advice and support to the parent. Any previous concerns regarding the safety or well-being of the child within the home should be notified to the LEA Lead Officer or, if appropriate, a referral should be made directly to social care.

EARLY YEARS/DAY CARE/CHILDMINDERS

- 5.3 Local authorities are required to secure the provision of information and advice about day care and childminding²¹, including the provision of training. This responsibility is often discharged through the LEA. Training is a key priority²² which should take account of local needs and priorities and the requirements of national standards.
- 5.4 The national standards for under 8s day care and childminding require the registered person to:
- comply with LSCB procedures
 - ensure all adults working with children in the provision are able to put the procedure into practice
 - have a written statement based on these procedures which sets out staff responsibilities
- 5.5 Training programmes for early year's staff in the private, voluntary and maintained sectors should include training in child protection procedures.

WORK EXPERIENCE

- 5.6 Children and young people are sometimes placed in settings outside of a normal school setting e.g. work experience at Key Stage 4 or alternative provision arrangements made within the flexible curriculum. Schools and FE institutions organising long term placements should ensure policies and procedures are in place:
- to protect children and young people from harm, particularly in settings in which children may be most at risk e.g. children placed for long periods in one to one situations with an adult
 - to define what action needs to be taken, when and by whom, should child protection concerns be raised Employers and training organisations should be made aware of safeguarding issues and asked to co-operate in putting safeguards in place.

²¹ Part XA of the Children Act 1989, as amended by the Care Standards Act 2000

²² Sure Start Delivery Guidance 2004/2006

- 5.7 The following safeguards should be in place when children regularly spend a day, or days, each week in the same workplace setting over a term or more:
- Staff of the LEA, school, or FE institution who arrange, vet, or monitor work placements should be trained in child protection;
 - Training organisations or employers who are responsible for children on a long term placement should be asked to endorse an agreed child protection policy or statement of principles
 - Any person whose normal duties will include regularly caring for, training, looking after or supervising a child in the workplace should:
 - be vetted and subject to CRB checks by, or on behalf of the placing school/institution
 - be given basic child protection training and given details of a person to contact in the event of any concerns
 - Children placed in these settings should be given:
 - opportunities to raise any concerns and clear advice about who to contact
 - a regular contact point in the school or FE institution
- 5.8 In some cases it may be necessary to ensure that the child/student is suitable for the placement (e.g. when placing children in environments involving them working with younger children) and CRB checks may therefore be required.

MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA)

- 5.9 The MAPPA are arrangements by which police and probation are required to assess and manage the risks posed by:
- sexual and violent offenders, and
 - other persons who, by reason of offences committed by them, may cause serious harm to the public
- 5.10 The Criminal Justice Act 2003 imposes on LEAs a 'duty to co-operate' with the MAPPA. The nature of this co-operation, which may include the provision of advice and exchange of information, should be included in a formal written agreement. The Multi Agency Public Protection Panel (MAPPP) is the formal meeting of member agencies, in which much of the duty to co-operate will be discharged. LEAs should identify a senior officer to act as the key point of contact with the MAPPA and represent the LEA on the MAPPP.

6 CHILD PROTECTION TRAINING

- 6.1 All new staff who will work with children should have induction training which includes safeguarding children. Teachers should also receive child protection training as part of their QTS course.

- 6.2 All staff who will work with children, whether permanent, temporary or voluntary, including governors, should, when starting work, be:
- made aware of and given a written statement about the school or institution's child protection arrangements
 - made aware of their responsibilities and be given the name and contact details of the designated person
- 6.3 All staff who work with children, including teachers and governors, but do not have designated child protection responsibility should undertake:
- basic child protection training that equips them to recognise and respond to child welfare concerns
 - additional child protection training appropriate to their role, including training provided by the designated person, the LEA or the LSCB
 - refresher training at least every 3 years
- 6.4 Staff with designated lead responsibility for child protection should undertake:
- basic child protection training when first appointed, including training in inter-agency procedures
 - Inter-agency training as and when provided by the LSCB
 - refresher training at least every 2 years

7 RECORD KEEPING

PUPIL RECORDS

- 7.1 Schools are required to keep records²³ which relate to the pupils' educational progress and include all curricula records, test results, annual reports and special educational needs (SEN) records, including internal and LEA assessments. Such records must be up-dated annually and automatically transferred to receiving schools together with the common transfer form.

CHILD PROTECTION RECORDS HELD WITHIN THE SCHOOL

- 7.2 DfES guidance states that the designated person should keep detailed, accurate, secure written records of referrals and concerns. These should be kept separately from academic records, in a confidential file stored in a secure cabinet, accessible only by appropriate senior staff members. They are exempt from records available for examination by parents or children unless subject to a court order.
- 7.3 If a child transfers to another school or other educational establishment, the designated person should forward the child protection file to a named

²³ The Education (Pupil Information) (England) Regulations 2000

person at the receiving school/establishment under separate cover from the academic records. The file should be marked '*confidential, to be opened by addressee only*'.

- 7.4 The designated person should retain a copy of the child protection file which should be stored in a secure cabinet, accessible only by appropriate senior staff members. Child protection records about a pupil who has ceased to become of compulsory school age should be archived and catalogued.

RECORDS CONCERNING ALLEGATIONS AGAINST STAFF

- 7.5 The Head teacher and LEA lead officer should keep a written record of any decisions made, the reasons for those decisions and any action taken.
- 7.6 Documents relating to an allegation, any subsequent investigation and a record of the outcome, must be retained in a secure place by the school and the LEA. Where disciplinary action has been taken, a record should be retained on the member of staff's personal and confidential file in accordance with the school's disciplinary procedures. If an allegation is unsubstantiated, a limited record²⁴ should still be retained.
- 7.7 Where a pupil has made an allegation, a copy of the statement or the record made of it should be kept on the section of a pupil's personal file which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings records may be subject to disclosure, therefore no assurances can be given of confidentiality.

8 CATEGORIES OF CHILD ABUSE

PHYSICAL ABUSE

- 8.1 Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child, including by fabricating the symptoms of or deliberately causing, ill health to a child.

EMOTIONAL ABUSE

- 8.2 Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person, age or developmentally inappropriate expectations being

²⁴ Para 2.13.1 Information Commissioner Data Protection Employment Practices Code (and supplementary guidance) <http://www.informationcommissioner.gov.uk/eventual.aspx?id=437>

imposed on children, causing children frequently to feel frightened, or the exploitation or corruption of children.

SEXUAL ABUSE

- 8.3 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 (e.g. rape or buggery) or non contact acts. They may include involving children in looking at, or in the production of, pornographic material, or encouraging children to behave in sexually inappropriate ways.

NEGLECT

- 8.4 Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development, such as failing to provide adequate food, shelter and clothing, or neglect of, or unresponsiveness to, a child's basic emotional needs.

9. RECOGNISING CONCERNS

- 9.1 A person may abuse or neglect a child by inflicting harm, or by failing to prevent harm. Teachers and other staff in the education service are particularly well placed to observe and should be alert to, outward signs of abuse, changes in behaviour or failure to develop.
- 9.2 Possible indicators of physical neglect, such as inadequate clothing, poor growth, hunger or apparently deficient nutrition, and of emotional abuse, such as excessive dependence or attention-seeking, may be noticeable. Sexual abuse may present physical signs, or lead to a substantial behavioural change including precocity or withdrawal.
- 9.3 Self harm, either through substance misuse, physical self harm, or by threats of suicide or other self harming gestures, including serious eating disorders, may be another indicator of abuse, although there may be many reasons for such extreme behaviour.
- 9.4 It is important to note that these signs and others can do no more than give rise to suspicion – they are not in themselves proof that abuse has occurred. Any concerns about a child's welfare should be brought to the attention of the designated child protection person within the establishment and where appropriate, shared with the statutory agencies and designated professionals responsible for child protection.

10. SPECIFIC TYPES OF ABUSE

- 10.1 Education staff should also be alert to signs and symptoms that may indicate more specific types of abuse.

BULLYING

- 10.2 Bullying is deliberately hurtful behaviour, usually repeated over a period of time, and where it is difficult for victims to defend themselves. The three main types are physical e.g. hitting and kicking, verbal e.g. racist or homophobic remarks, threats or name calling, and emotional e.g. isolating a child from social groups. It is important for LEAs and schools to have a policy against bullying in which it is acknowledged that in some cases bullying may cause significant harm to a child and will be dealt with under child protection procedures. The policy should also address the use of mobile phone technology for example, to record and distribute images of bullying incidents.

CHILD ABDUCTION

- 10.3 It is an offence for a parent or guardian to take or send their child out of the UK without appropriate consent. Child abduction may arise in situations where a child is the victim of a forced marriage or is forced into prostitution. It is more likely to arise however, when the parents of a child divorce or separate.
- 10.4 When education staff become aware that parents have separated and that there are issues regarding child custody, they should seek information as to whether any conditions apply e.g. whether both parents have parental responsibility, and whether there are any legal restrictions on either partner collecting the child from school.
- 10.5 Any concerns, allegations, or threats of child abduction should immediately be brought to the attention of the designated person and be subject of an urgent child protection referral.

SEXUALLY ACTIVE CHILDREN AND YOUNG PEOPLE AND CHILD PREGNANCY

- 10.6 The legal age for consent to sexual intercourse is 16. If it is suspected that a child under 16 is involved in sexual activity with another person, it should not be assumed that this is consensual and reference should be made to the LCPC protocol which details the action which should be taken relating to the sharing of information with other professionals.
- 10.7 Assumptions should not be made that teenage pregnancies are as a result of consensual sexual intercourse. In all cases of a child's pregnancy

becoming apparent to school staff, consideration should be given to referring the matter to social care.

- 10.8 Education staff who have regular contact with pregnant teenagers have a responsibility to consider the welfare of both the prospective mother and her baby.

CHILDREN WHO ARE SEXUALLY EXPLOITED

- 10.9 Education staff should be alert to the possible indicators of a child who is sexually exploited or at risk of sexual exploitation. It should be remembered however, that these indicators could also reflect a risk of abuse in other circumstances. They include:

- children collected from school by unauthorised older persons
- older persons loitering outside the school
- truancy from school
- drug and alcohol misuse
- sexually transmitted infections
- isolation from friends
- unusually excessive spending patterns

- 10.10 Where it is suspected that a child is being sexually exploited, he/she should be considered as a possible victim of sexual abuse who may be at serious risk of physical and sexual harm. A referral should be made in order that the needs of the child can be assessed and where possible, exit strategies provided.

- 10.11 The reasons for children and young people becoming involved in prostitution²⁵ are varied, but the majority do not do so voluntarily. They may be vulnerable to coercion or enticement, because they are not receiving appropriate care and affection within their family and may be suffering from a feeling of low esteem.

CHILDREN WHO ABUSE OTHER CHILDREN

- 10.12 Significant harm may be caused to children by the abusive behaviour of other children. A distinction however, should be drawn between behaviour best dealt with by anti-bullying policies and more complex behaviour where both perpetrator and victim may need specialist help. Advice should be sought from the LEA Lead Officer and child protection agencies if there is any doubt.

²⁵ Further information can be found in 'Safeguarding Children Involved in Prostitution' - May 2000 DoH et al.

10.13 Where the behaviour is sexual, a child protection referral must be made, as it may indicate that the perpetrator has suffered abuse from elsewhere. A pupil displaying sexualised behaviour may need to be placed on a treatment programme but will still need to be educated in a school setting. The management of such situations will need to take into account the likely impact on pupils and staff.

DOMESTIC VIOLENCE

10.14 Domestic violence²⁶ can take many forms e.g. physical, emotional or psychological abuse, sexual violence, financial control, and the imposition of social isolation or movement. It can have a significant adverse impact on children who may become withdrawn and frightened, and their ability to concentrate severely impaired. Research confirms that a child who has witnessed a parent being abused will experience it in as powerful a way as if they, themselves, were the victim. Any concerns that a child may be exposed to domestic violence should be brought to the attention of the designated teacher in order that a referral to social care can be considered.

10.15 Schools, in conjunction with the LEA, social care and police, should develop a protocol focusing on the special needs and requirements of children attending school from a refuge environment. They may be particularly vulnerable and there may be confidentiality issues regarding the refuge location.

DRUG AND ALCOHOL USING PARENTS

10.16 Children of parents who abuse drugs or alcohol may be at risk of harm either directly e.g. access to dangerous substances, or from a lack of boundaries or discipline, or parental emotional detachment. Not all parents who misuse drugs or alcohol however, mistreat or neglect their children, and there is a need for careful assessment of the impact on the child's psychological and emotional development. Any concerns of this nature should be discussed with the designated person.

FEMALE GENITAL MUTILATION (FGM)

10.17 It is an offence²⁷ (except by authorised medical practitioners on specific physical and mental health grounds) to perform FGM by way of female circumcision, excision or infibulation. It is also an offence for UK nationals or permanent UK residents to carry out, or aid, abet, counsel or procure the carrying out of, FGM abroad, even in countries where the practice is legal.

²⁶ Now included in the definition of harm under the Children and Adoption Act 2000

²⁷ Female Genital Mutilation Act 2003

10.18 FGM cannot be justified as a cultural or religious practice. It is a form of physical abuse and concerns must be brought to the attention of the designated person and referred to social services and/or the police.

FORCED MARRIAGE²⁸

10.19 Forced marriage is recognised as a form of domestic violence and a serious abuse of human rights. It is not sanctioned within any culture or religion and it is not the same as an arranged marriage in which both spouses can choose whether or not to accept the arrangement. In forced marriage, one or both of the spouses do not consent and some element of duress is involved, including physical and emotional pressure.

10.20 Education staff should be alert to potential warning signs and consider (whilst being careful not to assume) that forced marriage may be the reason. These warning signs can include:

- a sudden drop in performance
- conflicts with parents over continued or further education
- excessive parental restrictions and control
- history of domestic violence in the family
- truancy and/or extended absence through sickness or overseas commitments
- depressive behaviour including self harming
- history of siblings leaving education early and marrying whilst young

RACIAL AND RELIGIOUS ABUSE

10.21 Racial and religious harassment can cause a child to feel emotionally abused and place them at risk of significant harm. Any concerns that a child is directly or indirectly affected, whether inside or outside the family environment, should be considered under child protection procedures.

10.22 Any complaints of bullying by another pupil or member of staff, involving racial or religious harassment, which place a child at risk of harm should similarly be considered under child protection procedures

²⁸ Further information can be obtained from the Community Liaison Unit at the FCO 020 7008 0135/0230/8706 or 020 7008 1500 (out of hours emergency)

11. ASSESSMENT

ASSESSMENT FRAMEWORK

- 11.1 The '*Framework for the Assessment of Children in Need and their Families*' provides a systematic multi-agency approach to analyse and record information about what is happening to children within their families and within the wider community. It consists of three assessment stages:
- an initial screening of a referral,
 - an initial assessment and
 - a core assessment
- 11.2 Information held by different agencies, including education services, will be analysed in order to determine whether the referral should be responded to as a child in need of additional services, or as a child in need of protection. The information gathered will cover the three domains of the assessment framework:
- children's developmental needs
 - parents' or caregivers' capacity to respond appropriately and
 - Impact of the wider family and environmental factors on parenting capacity and children

CHILDREN IN NEED

- 11.3 Children in need are vulnerable children who are unlikely to reach or maintain a satisfactory level of health or development, or their health and development will be significantly impaired, without the provision of services (section 17 Children Act 1989).

SIGNIFICANT HARM

- 11.4 Significant Harm is the threshold justifying compulsory intervention in family life in the best interests of children - A local authority is under a duty to make enquiries, or cause enquiries to be made, where it has reasonable cause to suspect that a child is suffering, or likely to suffer significant harm (section 47 Children Act 1989)

CHILD PROTECTION CONFERENCE

- 11.5 A child protection conference will be held when enquiries indicate that a child is at risk of significant harm. These are multi-agency meetings with a responsibility to decide whether a child's name should be included on the local authority's Child Protection Register.
- 11.6 When invited, education staff should make every effort to attend both initial and review child protection conferences. A pro-forma report should

be completed and ideally submitted to the chair of the conference 24 hours before the conference is held in order that it may be shared.

- 11.7 If a child's name is placed on the CPR, a child protection plan will be agreed. Education staff will be expected to contribute to the plan and may be part of the core group of professionals who will work with the family to implement the plan.

12. DEALING WITH CHILD WELFARE CONCERNS

IMMEDIATE ACTION WITHIN THE SCHOOL/ESTABLISHMENT

- 12.1 Where a concern is reported to, or identified by, a member of staff, the first priority is to establish whether the child is in need of medical attention and/or protection. If urgent action is required, medical assistance should be obtained and an immediate referral made to social care and/or the police. If a child is in need of protection, staff should note that police have the power to initiate a police protection order (PPO) in cases of emergency, whilst social care can apply to a court for an emergency protection order (EPO). The law also allows staff to take all reasonable steps to offer immediate protection to a child at risk of harm e.g. from a violent or incapacitated parent.

ACTION BY PERSON INITIALLY IDENTIFYING/RECEIVING A CONCERN

- 12.2 Any member of staff receiving details of a concern should:
- act with tact and empathy
 - listen and treat the concern seriously.
 - communicate as appropriate to the age, understanding, language preference and any communication difficulties of the child/person reporting (specialist help may be needed)
 - avoid leading questions
 - keep an open mind
- 12.3 Staff should be aware that the way in which they talk to a child can affect evidence that may be used in any subsequent criminal proceedings. The person receiving the concern should not:
- interrupt the child/person reporting when he/she is recalling significant events
 - make assumptions or interpretations
 - make suggestions or offer alternative explanations. This could be construed as 'coaching'.
 - use leading questions e.g. 'Did they do to you?' Open questions should only be used e.g. 'What happened?'

- attempt to investigate any suspicion of abuse. Only sufficient information should be sought to clarify whether a concern should be referred to social care and/or police, or dealt with internally
- 12.4 The person receiving a concern should:
- record in writing the information, in the child or adult's own words, including times, dates, place of incident(s), persons present and what was said
 - distinguish between fact and opinion
 - include observations
 - sign and date the written record
- 12.5 Staff should be aware that they may be required to give evidence in any subsequent prosecution, and that they may have to refer to and/or produce their notes.
- 12.6 The child or other person reporting the concern should not be promised confidentiality, but reassured that the information will only be passed to those who 'need to know'. Any member of staff identifying or receiving details of a concern, should immediately:
- report the matter to the designated person, and
 - make a written record of decisions made and action taken

INITIAL ACTION BY THE DESIGNATED PERSON

- 12.7 The designated person should:
- obtain written details, signed and dated, from the person who initially identified or received the concern (not from the child/person reporting the concern)
 - countersign and date the written details
 - record information about times, dates and location of incident(s) and details of any potential witnesses
 - not attempt to investigate the matter as inappropriate questioning could jeopardise a child protection or criminal investigation and cause distress to the child
- 12.8 The designated person should decide, taking advice from the LEA lead officer, social care and/or police if needed, which of the following actions is most appropriate:
- If it is considered that a pupil has suffered or is at risk of significant harm, or that the concern might constitute a criminal offence, the designated person should make an immediate referral to social care
 - If a child is considered to be in need of help, a referral should be made to the appropriate person/organisation e.g. educational psychologist, social care

- If the designated person decides that no further action is required, he/she should make a record of the reasons for this decision

12.9 The designated person should keep a record of all information collected and any subsequent decisions and action taken, including details of any persons involved in those decisions/actions.

CONSENT

12.10 In general, any concerns about a child's welfare should be discussed with the family and, where possible agreement sought to make a referral to social care, provided this will not place a child at increased risk of significant harm. The child's views should also be considered in deciding whether to inform the family, particularly where the child is sufficiently mature to make an informed judgement.

12.11 Where there is doubt or reservations about involving the child's family, the designated person should clarify with the statutory agencies, whether, and if so when and by whom, the parents should be told about the referral and what action to take where consent is refused. Personal details of the child and family need not be disclosed unless the advice confirms that a referral should be made. In either case, the designated person should keep a record of the advice received and who provided it.

REFERRAL TO SOCIAL CARE

12.12 Where the designated person decides that a concern needs to be referred to social care, he/she should record information about the child, including:

- Full name(s), date of birth, gender and ethnicity
- Family address
- Name(s) of person(s) with parental responsibility or primary carer(s) if different
- Name(s) and dates of birth of household members if known
- Any need for an interpreter, signer or other form of communication assistance
- Any special needs
- Any current and previous concerns, significant events or involvement of other agencies in the child's life
- Developmental needs and parents'/carers' ability to respond

12.13 If urgent action or referral is required, the collation of such information should not cause delay.

12.14 The designated person should telephone social care for the area where the child lives or is present at the time. The referral should be made immediately if urgent action is required and at least within one working day

of the concern being identified or reported. Where the referral is taken by an administrative member of staff, the designated person should seek to discuss the issue with a duty social worker and agree what the child and parents should be told and by whom. If not urgent and the child is already known to social care, the referral should be made to the allocated social worker or if unavailable to the social worker's manager.

12.15 The referral should be confirmed in writing within 48 hours and acknowledged by social care within one working day of receipt. Social care should be contacted if no acknowledgement has been received within 3 days of the original referral.

12.16 The designated person should record the decisions taken, the reasons, and the names of those involved in making those decisions. This record should be timed, dated and signed.

CONCERNS IDENTIFIED OR REPORTED OUT OF OFFICE HOURS

12.17 If a concern is identified or reported outside normal office hours, the designated person should contact the social care emergency duty team (EDT) or local police station if an immediate referral is required or if there is likely to be a significant delay in the matter being dealt with e.g. prior to a weekend or school holiday. The EDT or police should be contacted if advice is required. Written confirmation of any referral should be sent to social care within 48 hours.

ACTION AFTER REFERRAL

12.18 Following referral, social care should, within one working day, consider the next course of action, record their decision in writing and notify the designated person. The decision by social care will be either:

- No further action
 - The designated person should record the reasons for this decision and discuss who is best placed to inform the child, if age appropriate and/or parent
- Conduct an initial assessment
 - This should be completed within 7 days and the outcome recorded on an initial assessment record
- Convene a strategy discussion
 - An immediate multi-agency strategy discussion should take place where the information clearly indicates that the child has suffered or is at risk of significant harm

12.19 The outcome of an initial assessment will be either:

- No further action

- The designated teacher should record the reasons for this decision and discuss who is best placed to inform the child, if age appropriate and/or parent
- The child is in need of additional services
 - This may require a 'child in need' plan to which education staff may be asked to contribute
 - The concerns may be referred back to education services if they are best placed to provide the additional services needed
- A strategy discussion
 - Where the child has suffered or is at risk of significant harm

STRATEGY DISCUSSION

12.20 If a strategy discussion is required, it may take the form of a meeting or a series of telephone calls. It should be chaired by social care who will consider involving the following:

- Representative from the appropriate police CAIU
- Designated teacher and/or other member of staff with knowledge of child e.g. EWO
- Social worker for the child
- Other authorities/agencies as appropriate e.g. health

12.21 The strategy discussion should consider:

- the information provided by the school about the circumstances and context of the concern
- whether any child(ren) is/are likely to be at risk
- whether it is necessary to review any previous concerns
- whether it is necessary to interview any child(ren), including ex-pupils of the school or any other schools
- the response to the child's parents and to the child (if age appropriate)
- appropriate support for the child and family

12.22 The designated person should make available:

- the details obtained regarding the concern
- any other relevant information including past history
- details of any action taken
- relevant information about the child(ren) involved
- family details e.g. siblings, parent/carers

12.23 The strategy discussion should decide whether there should be:

- enquiries by social care under s47 Children Act 1989 and in accordance with LCPC procedures
- related police investigations into possible criminal offences
- no further action under child protection procedures

- 12.24 If the strategy discussion concludes that there should be an investigation by police and/or social care, roles, timescales and dates for future meetings should be agreed and tasks allocated.
- 12.25 If the decision of the strategy/discussion is that there should be no further action under child protection procedures, the concern may be referred to social care and/or education for consideration as to which agency is best placed to provide additional services to the child and family, if necessary.
- 12.26 Minutes of the strategy discussion/meeting should be given to those taking part either immediately or as soon as possible thereafter. The designated person and/or other member of staff involved in the discussion/meeting should make a note of any actions required by the education services.

NOTIFICATION OF INTERESTED PERSONS

- 12.27 The police or a strategy discussion may decide that child protection enquiries or criminal investigation would be hindered by an approach to parties at an early stage or by divulging particular information. The designated person should agree what information should be given, who to and by whom. Advice can be sought from the LEA lead officer if there is any doubt.

CONCERNS WHERE THE CHILD LIVES OUT OF THE BOROUGH

- 12.28 Where the child attends a school or other educational establishment in a 'host' authority, but lives in another borough (the 'home' authority), the responsibility for conducting s47 enquiries will rest with social care for the area in which the concerns arise e.g. if the concerns arise from circumstances in the child's home, the 'home' authority will take responsibility. If the concerns arise from circumstances in the school e.g. alleged abuse by a member of staff, the 'host' authority will take responsibility. In either case, there should be full and immediate consultation between both authorities.
- 12.29 Social care for the 'home' authority will have case responsibility for any welfare needs of the particular child. The 'home' police CAIU will have responsibility for any action required, including attendance at strategy meetings and related criminal investigation, unless otherwise negotiated with the 'host' police CAIU.

12.30 If the child lives outside the Metropolitan Police Area, the responsibility for conducting the criminal investigation will rest with the police force in whose area the offence was committed, unless negotiated otherwise.²⁹

12.31 The authority receiving the details of the concern should take any emergency action required, unless agreed otherwise. Negotiations about responsibility should not cause delay when urgent action is required.

ACTION BY EDUCATION STAFF DURING CHILD PROTECTION AND/OR CRIMINAL INVESTIGATION

12.32 Social care and/or the police may ask for assistance, including the release of relevant information in order to assist their enquiries/investigation. When a request is received for any personal or sensitive information about a child or member of staff, the designated person should check that social care and/or police have requested consent for the information to be shared, and the reasons if not.

12.33 Consent will not be needed where:

- it is likely to increase the risk of harm to a child
- consent is refused but child welfare concerns override the duty of confidentiality
- seeking consent is likely to impede a criminal investigation

12.34 The designated person should

- monitor the progress of the case, by seeking regular updates from the police and/or social care
- keep a record of all information collected, decisions made and actions taken, including minutes of any strategy discussions. It should be noted that all records may need to be disclosed in criminal proceedings.

CHALLENGING RESPONSES TO CHILD PROTECTION CONCERNS

12.35 If a member of staff believes that a child protection matter is not being dealt with properly, he/she should report their concerns to the designated person, Head teacher, or the LEA Lead Officer.

13. DEALING WITH ALLEGATIONS AGAINST STAFF

13.1 Given their daily contact with children in a variety of situations, including the wider caring role, staff are vulnerable to accusations of abuse by

²⁹ Home Office Circular No. 36/2002: The investigation of Child Sexual Abuse; Lead responsibility for investigating cases which transcend Force boundaries: www.circulars.homeoffice.gov.uk

pupils and parents. Allegations may be false, malicious or misplaced but may also be well-founded. The response should reflect the principle that the welfare of the child is paramount and that an allegation will be taken seriously.

- 13.2 It will be in the best interests of both the child and the member of staff that a thorough, objective and prompt investigation is carried out. Timescales for the different stages of the investigation should be agreed and the reasons recorded if those timescales cannot be met.
- 13.3 These procedures³⁰ apply to staff, both employed (including those engaged through an employment agency) and voluntary, in the full range of educational establishments. The responsibilities of the Head teacher must be undertaken by the Chair of Governors where the concern or a allegation is made against the Head teacher. Independent establishments and those not maintained by the LEA should contact social care directly, unless the LEA has agreed to provide its services to the particular establishment.

ABUSE OF TRUST

- 13.4 All education staff need to know that:
- inappropriate behaviour with or towards children is unacceptable
 - it is an offence³¹ for a person over 18 (e.g. teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual
 - this applies where the child is in full-time education and the person works in the same establishment, even if he/she does not teach the child

SAFE WORKING PRACTICES

- 13.5 Schools and other educational establishments are recommended to produce guidelines for staff working with children and young people, to help minimise the risk of unfounded allegations being made. Volunteers who work with children and young people are also expected to maintain standards of conduct comparable to those prescribed for colleagues in paid employment.

³⁰ A new framework for managing allegations against professionals will be included in the revision of 'Working Together', but the principles contained within these procedures will still apply.

³¹ Sexual Offences Act 2003

SUPPORTING CHILDREN AND STAFF

- 13.6 Consideration should be given as to whether support is needed for the child/ren concerned, and other pupils who may be affected. Depending on the circumstances of the alleged abuse, therapeutic counselling from expert sources may be necessary. Advice can be sought from social care.
- 13.7 Schools and other educational establishments should also recognise the traumatic impact that an investigation of alleged abuse can have on accused staff and their colleagues. Consideration must be given to how such staff can be supported and how they can be prepared in advance for such an eventuality.

INITIAL ACTION BY PERSON TO WHOM A CONCERN OR ALLEGATION IS REPORTED

- 13.8 An allegation is any complaint or concern however, and by whoever, raised that might indicate a person has:
- harmed a child or put a child at risk of harm, or
 - displayed behaviour involving or related to a child that might constitute a criminal offence, or
 - behaved in a way that raises concern about his/her suitability to work with children
- 13.9 All allegations, including the use of restraint other than permitted by law or guidance issued by government or professional organisations, should be considered under child protection procedures in the first instance and without delay.
- 13.10 The first priority is to establish whether any child is in need of medical attention. An ambulance should be called in an emergency. An immediate referral should be made to social care and/or the police, and the LEA lead officer informed.
- 13.11 The person to whom a concern/allegation is reported should:
- listen to the child and treat the allegation seriously
 - communicate as appropriate to the child's age, understanding and preference e.g. disabled children and children whose preferred language is not English.
 - avoid leading questions
 - keep an open mind
- 13.12 The person to whom a concern/allegation is reported should not:
- interrupt a child when recalling significant events
 - make assumptions or interpretations
 - make suggestions or offer alternative explanations
 - attempt to investigate the allegation

- promise the child or other person making the allegation, confidentiality, but the child should be reassured that the information will only be passed to those who 'need to know'

13.13 The person to whom a concern/allegation is reported should:

- make a written record of the information (where possible in the child's own words), including the time, date and place of incident(s), persons present and what was said
- sign and date the written record

13.14 The person to whom the concern/allegation is reported should immediately:

- report the matter to the Head teacher³²
- make a written record of action taken

INITIAL ACTION BY THE HEAD TEACHER³³

13.15 When informed of a concern/allegation, the Head teacher should:

- obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/person making the allegation)
- countersign and date the written details
- record any information about times, dates and location of incident(s) and names of any potential witnesses
- not interview the member of staff, pupil or potential witnesses
- record discussions about the child and/or member of staff, decisions made, and the reasons for those decisions

13.16 The Head teacher should not attempt to investigate an allegation but should immediately contact the designated LEA lead officer.

13.17 In the event of an allegation being received outside normal office hours, the Head teacher should consult social care emergency duty team or the local police. Written confirmation of the referral should be sent to social care within 48 hours.

TRIVIAL ALLEGATIONS

13.18 It is appropriate for allegations of a trivial nature to be dealt with at school/establishment level, but what may seem trivial to the person receiving the allegation, may be significant to the person making it, and a referral could be made to social care and/or police. It is important that all such allegations are brought to the attention of the Head teacher. A

³² See below

³³ Action by the Head teacher will apply to the Principal in FE Institutions and to the Chair of Governors or Proprietor if the allegation is against the Head teacher. If the Proprietor in an independent school is the Head teacher, the Deputy Head teacher should deal.

record should be kept of the decisions made, the reasons and how the matter was dealt with. The LEA lead officer should be contacted if there is any doubt.

INITIAL CONSIDERATION

13.19 The Head teacher and the LEA lead officer should conduct an urgent initial consideration of the information available in order to decide on the most appropriate course of action. If there is any doubt about the action to be taken, the LEA lead officer should seek advice from social care.

ALLEGATIONS REPORTED DIRECTLY TO SOCIAL CARE AND/OR POLICE

13.20 Where an allegation is reported directly to social care and/or police, the LEA lead officer should be informed. A strategy discussion should then take place.

NOTIFICATION OF INTERESTED PERSONS

13.21 The police or a strategy discussion may decide that child protection enquiries or criminal investigation would be hindered by an approach to parties at an early stage, or that certain information should not be divulged to them. The Head teacher and LEA lead officer must therefore ensure there is no objection by the police before contacting any parties.

13.22 Subject to any objections, the Head teacher should inform the:

- child or parent making the allegation and explain the likely course of action
- parents of the child who is the alleged victim and explain the likely course of action
- accused member of staff and explain the likely course of action
- Chair of Governors
- In the case of a supply worker, a senior manager in the relevant agency

13.23 Where the police do object to any persons being notified, the LEA lead officer should arrange to be informed as to when this can take place or has taken place.

ACTION FOLLOWING INITIAL CONSIDERATION

13.24 There will be four possible outcomes of the initial consideration:

- Inappropriate behaviour/poor practice
 - The allegation may represent inappropriate behaviour or poor practice by a member of staff which needs to be considered under disciplinary procedures

- Alleged inappropriate behaviour that might have a sexual motive however, should be referred under child protection procedures
- Demonstrably false
 - Where following the initial consideration, the immediate circumstances of the allegation clearly show that it would not be possible for the allegation to be true, it will be appropriate for the Head teacher to deal with the matter at school/establishment level. Care should be taken however, to ensure that the child is not confused as to dates, times, locations or identity of member of staff
 - An obviously false allegation may be a strong indicator of abuse elsewhere which requires further exploration. The child may need services as a 'child in need' and/or onward referral.
 -
- Significant harm
 - If it is determined that a pupil(s) has/have suffered or is/are at risk of significant harm, an immediate referral should be made to social care. If there is any doubt, advice should be sought from the LEA Lead Officer
- Criminal offence
 - If the alleged behaviour might constitute a criminal offence, the LEA Lead Officer must make an immediate referral to social care

13.25 Where the allegation relates to the use of reasonable force³⁴ to restrain a pupil, it will be appropriate for the Head teacher to deal with the matter at school/establishment level. Where there is an allegation of assault beyond the use of reasonable force, a referral should be made to social care.

ACTION WHERE ALLEGATIONS ARE WITHOUT FOUNDATION

13.26 Where an allegation is shown beyond doubt to be demonstrably false, the Head teacher, in consultation with the LEA lead officer and HR manager, should:

- inform the member of staff orally and in writing of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. The member of staff may be accompanied by a trade union representative or friend.
- consider whether counselling and/or informal professional advice to the member of staff is appropriate and the form either might take
- inform the parents of the child or children of the allegation and the outcome in writing

³⁴ 'Child Protection: The use of Force to Control or Restrain Pupils': DfEE Circular 10/98 (S550A Education Act 1996)

- consider appropriate counselling and support for the child or children who made the allegation(s) and, where appropriate, their parents. In particular consider what follow up action should be taken in regard to a person or child who has made an allegation that is shown to be false or unfounded, especially if it is shown to have been made maliciously
- where a person other than the alleged child victim has made the allegation, consider informing the parents and child and providing support as appropriate
- prepare a report giving reasons for concluding that the allegation is without foundation

REFERRAL TO SOCIAL CARE

13.27 Where the Head teacher and LEA Lead Officer, decide that the allegation needs to be referred, a telephone referral should be made to social care, and confirmed in writing within 48 hours. Social care should acknowledge the referral within one working day, and should be contacted if no acknowledgement has been received within 3 days.

13.28 Following referral to social care, a strategy discussion, in the form of a meeting to plan the conduct of the enquiry, should be held as soon as possible and at least within 72 hours. Those attending may include:

- Team manager social care (and/or service manager if appropriate)
- A representative from the appropriate CAIU
- The LEA lead officer
- The Head teacher or the designated teacher
- Social worker for the child
- A representative from HR
- Local authority legal department
- Other authorities/agencies as appropriate e.g. health, and relevant personnel in cross border cases
- Senior manager from relevant agency in the case of supply workers

13.29 The strategy discussion/meeting should consider:

- the information provided by the school/institution about the circumstances and context of the concern/allegation
- whether any child(ren) is/are likely to be at risk
- whether it is necessary to review any previous concerns/allegations made by the child or made against the member of staff
- whether it is necessary to interview any child(ren), including ex-pupils of the school or any other schools

13.30 The strategy discussion/meeting should conclude whether there should be:

- enquiries by social care
- related police investigations into possible criminal offences
- no further action under child protection procedures

13.31 If the strategy discussion/meeting concludes that there should be an investigation by police and/or social care, roles, timescales and future meetings should be agreed and tasks allocated.

13.32 The LEA lead officer should canvas the views of the police and social services about whether:

- the accused member of staff needs to be suspended or, in the case of supply workers, asked to refrain from work.
- there are any constraints or limitations on the information that can be provided to the member of staff about the concern/allegation

13.33 The decision to suspend will rest with the Head teacher or Governing Body if the allegation is against the Head teacher.

13.34 The strategy discussion should also consider:

- the response to the child's parents and child (if age appropriate)
- appropriate support for the child and parents
- the response to the accused member of staff
- appropriate support for the accused member of staff and family
- the identity of the LEA contact person to keep the member of staff informed of the progress of the case

13.35 Police and social care should be asked to seek consent for the use of relevant statements and evidence obtained during the course of their investigations in disciplinary proceedings, at the time the statements and/or evidence are obtained.

DELAYING DISCIPLINARY INVESTIGATION PENDING OUTCOME OF CHILD PROTECTION ENQUIRIES

13.36 Any related disciplinary process will usually be held in abeyance pending the completion of police and social care enquiries. In some cases however, it may be appropriate for a disciplinary investigation and hearing to be conducted simultaneously without prejudicing a child protection or criminal investigation. The possible implications should be considered within a strategy discussion/meeting and a decision reached as to the most appropriate course of action. This decision should be regularly reviewed.

ALLEGATIONS WHERE THE CHILD LIVES OUT OF THE BOROUGH

13.37 See paragraphs 12.28 – 12.31

ACTION WHERE NO CHILD PROTECTION OR CRIMINAL INVESTIGATION

- 13.38 Where the strategy discussion/meeting decides that a child protection or criminal investigation should not be conducted, the Head teacher, in consultation with the LEA lead officer and HR manager, should then consider whether to:
- take no further action
 - issue an informal warning and/or professional advice
 - institute an investigation under disciplinary procedures
- 13.39 If it is decided that no further action should be taken, the Head teacher, in consultation with the LEA lead officer and HR manager, should inform the member of staff orally and in writing that there will be no further action under discipline or child protection procedures. The member of staff should be told that he/she may be accompanied by a friend or union representative.
- 13.40 If it is decided that a disciplinary investigation should take place, the Head teacher, in consultation with the LEA lead officer and HR manager, should appoint a suitably qualified, experienced and sufficiently objective person to conduct the investigation. The investigation should be completed even if the member of staff resigns
- 13.41 The Head teacher, in consultation with the LEA lead officer, should:
- inform the child and parents of the outcome
 - consider the provision of support or counselling for the child, and where appropriate, the parents

STAFF NOT EMPLOYED BY THE SCHOOL OR LEA

- 13.42 Where a concern of a child protection nature is alleged or raised in relation to a supply teacher/worker, trainee teacher, member of contracted staff or a volunteer, the matter should be dealt with in the same way as employed staff, as outlined in these procedures, and referred to social care if appropriate.
- 13.43 Where there are related concerns of a conduct or competency nature, it will be good practice for the Head teacher, in conjunction with the LEA lead officer and HR manager to have the matter brought to a proper conclusion. The allegation or concern should be investigated in order to decide whether the worker's employment should continue and if not whether a report should be sent to the DfES under the barring procedures.
- 13.44 The Head teacher should liaise with a senior representative of the organisation supplying the member of staff as they may wish to conduct an investigation in accordance with their own procedures. For the

purposes of these procedures, it is not relevant that some supply staff may be classified as 'self employed'. Examples of organisations include:

- an employment agency providing supply teachers/workers
- a training college placing a trainee teacher at a school as part of a post graduate certificate of education (PGCE) course
- a contractor providing services such as catering
- a voluntary organisation providing people to work with children

ACTION DURING CHILD PROTECTION OR CRIMINAL INVESTIGATION

13.45 Education staff should give police and social care every assistance with their enquiries. Police should not normally conduct interviews on school premises, but if this is necessary, the interviews should be conducted at reasonable times.

13.46 It is important that education staff maintain confidentiality about the enquiry, other than in fulfilling their obligation to assist with a police and/or social care enquiry.

13.47 The LEA lead officer should monitor and keep the Head teacher informed as to the progress of the case, by

- seeking regular updates from his/her counterparts in the police and/or social care
- making arrangements to be informed by police, social care or named contact in the CPS, should a decision be made not to prosecute

ACTION WHERE ALLEGATION NOT PROCEEDED WITH, OR FOUND TO BE UNSUBSTANTIATED

13.48 Where:

- a child protection investigation concludes that there is insufficient evidence to substantiate an allegation, or
- the police and/or CPS decide not to proceed with, or to discontinue, a criminal investigation, or
- the accused member of staff is acquitted of the alleged offence by a court,

the LEA lead officer should consult the Head teacher and HR manager, and consider whether to:

- take no further action
- issue an informal warning and/or professional advice
- institute an investigation under disciplinary procedures

13.49 If it is decided that no further action should be taken, the Head teacher, after consultation with the LEA lead officer and HR manager, should inform the member of staff orally and in writing that there will be no further action under discipline or child protection procedures. The member of

staff should be informed that he/she may be accompanied by a friend or union representative.

13.50 If it is decided that a disciplinary investigation should take place, the Head teacher, in consultation with the LEA lead officer and HR manager, should:

- appoint someone to conduct the investigation
- inform the member of staff of the decision

13.51 The Head teacher, in consultation with the LEA lead officer and HR manager, should:

- inform the child and parents of the outcome
- consider provision of support and/or counselling for the child, the member of staff and where appropriate, the parents

ACTION WHERE ALLEGATIONS ARE SUBSTANTIATED

13.52 If a child protection investigation or a criminal prosecution concludes that the allegation is substantiated, the Head teacher, in consultation with the LEA lead officer and HR manager, must appoint someone to conduct an investigation under disciplinary procedures.

CONCERNS/ALLEGATIONS IN A MEMBER OF STAFF'S PERSONAL LIFE

13.53 If a child protection related concern or allegation is made against a member of staff outside of his/her workplace, the general principles outlined in this section will still apply. The procedures should be followed in order to identify and address any subsequent concerns relating to children with whom the member of staff may come into contact with during the course of his/her work.

CHALLENGING RESPONSE TO CONCERNS OR ALLEGATIONS

13.54 If at any stage staff believe that an allegation is not being investigated properly they should report their concerns to a senior member of staff.

WHISTLEBLOWING

13.55 Staff should be aware that children may feel unable to express concerns in an environment where staff fail to do so. All staff should therefore feel free to voice concerns about the attitude or actions of their colleagues in accordance with the council's whistleblowing policy. This policy should be given to all new employees and made freely available to all staff.

MEDIA

13.56 Child protection issues, including allegations against staff, can attract local and/or national media attention which should be managed in a sensitive manner in order to minimise any distress to those involved. Where a matter has or is likely to attract media attention, the Head teacher should seek the advice of the LEA lead officer who should consult with the local authority press office and other agencies as appropriate. The Head teacher should inform the Governing Body, subject to any restrictions requested by police or social care.

14. DEALING WITH SUSPENSION

CONSIDERING WHETHER SUSPENSION IS APPROPRIATE

- 14.1 Circumstances in which suspension³⁵ properly occurs include:
- where a child or children is/are at risk
 - where the allegations are so serious that dismissal for gross misconduct is possible
 - where suspension is necessary to allow the conduct of the investigation to proceed unimpeded
- 14.2 Decisions regarding suspension should be taken by the Head teacher or Governing Body. Action by the Chair of Governors in relation to the Head teacher must be notified to the full Governing Body.
- 14.3 Suspension is a neutral act, not a disciplinary sanction, and will be on full pay. Suspension should not be taken without good reason and can be considered at any time during an investigation. Staff against whom an allegation is made should not be automatically suspended. Alternatives to suspension should be considered e.g. paid leave of absence, mutual agreement to refrain from work, alternative duties/locations or removal from contact with the pupil(s).
- 14.4 When considering whether to suspend, the Head teacher should consult the LEA Lead Officer and HR Manager. They should consider any recommendation that may be made by the child protection agencies during a strategy discussion/meeting. In all cases where suspension is being considered, the Head teacher should advise the individual to seek assistance from his or her trade union.

³⁵ The provisions for any suspension of school based staff are set out in Schedules 16 and 17 of the School Standards and Framework Act 1998

INTERVIEW TO CONSIDER SUSPENSION

- 14.5 Where suspension is considered, the Head teacher should arrange an interview with the member of staff outside pupil contact time and consult with the LEA Lead Officer. Prior to the interview, the Head teacher should advise the member of staff that he/she may be assisted by a union representative or friend with whom he/she can have a brief meeting before the interview.
- 14.6 At the outset of the interview the Head teacher should inform the member of staff that:
- an allegation has been made and at the conclusion of the interview, suspension may occur, and
 - the interview is for the purpose of raising a serious matter which may lead to suspension and further investigation
- 14.7 The member of staff should be told that:
- the interview is not a formal disciplinary hearing or an examination of the evidence, but an opportunity to make representations after the reasons for any proposed suspension have been given and
 - that he/she may have a brief adjournment prior to giving a response
- 14.8 The member of staff should be provided with as much information, including the reason for the proposed suspension, as is consistent with not interfering with an investigation about the allegation.

DECISION TO SUSPEND

- 14.9 If, as a result of the interview, suspension is considered necessary along with a full investigation, the Head teacher should advise the member of staff that he/she is suspended from duty. Written confirmation of the suspension and the reasons, should be sent to the member of staff within one working day.

ACTION AFTER SUSPENSION INITIATED

- 14.10 If a member of staff is suspended, the Head teacher should inform the Chair of Governors and the Chief Education Officer (CEO) formally in writing that a member of staff has been suspended (The Chair of Governors should inform the CEO if the Head teacher is suspended).
- 14.11 The Head teacher should send a report to the governing body in all cases where a member of staff has been suspended. The report should contain only minimum information to avoid prejudicing their impartiality in any subsequent hearing or appeal in disciplinary proceedings.

PERSONS TO BE INFORMED

- 14.12 The pupil or parent making the allegation should be confidentially informed of the suspension. If the pupil is under 18, his/her parent should be informed if consistent with wider child protection considerations. Senior members of staff should be informed, but only as far as necessary. The Head teacher should also consider whether it is necessary to inform other members of staff.
- 14.13 In certain circumstances, the Head teacher may need to provide immediate reassurance to the parents and children in the educational establishment. There may also be a need for information to continue to be provided during the course of the investigation to parents, children and colleagues. The action taken should be balanced against the need to avoid unwelcome publicity. Guidance should be sought from the LEA Lead Officer or from social care and/or police if appropriate.
- 14.14 The Head teacher should consider carefully, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case e.g. where the matter becomes common knowledge or the subject of general gossip. Advice should be taken from the LEA Lead Officer on this matter as necessary.

WHERE NO ACTION IS TAKEN TO SUSPEND

- 14.15 The Head teacher should arrange a meeting with the accused member of staff who should be advised that he/she may be accompanied by a union representative or a friend. The circumstances leading up to the consideration of suspension should be explained together with any proposed follow up action.
- 14.16 The Head teacher should seek to establish what support, if any, is required and offer assistance or advice e.g. counselling, according to the circumstances of the case. Advice should be sought from the LEA Lead Officer if appropriate and acceptable to the member of staff.

SUPPORT FOR STAFF DURING THE PERIOD OF SUSPENSION

- 14.17 The Head teacher should balance the welfare of the accused member of staff and the interests of the investigation and take into account the need to minimise the stress to anyone who may have been wrongly accused.
- 14.18 The member of staff should be advised to contact his/her union representative and if suspended given the name of an LEA officer as an information contact. The contact person should keep the member of staff

provided with information about school developments and kept up to date with the progress of the investigation. Welfare counselling and/or support from the LEA's medical adviser should be offered if appropriate. Social contact with colleagues and friends from the establishment should be allowed unless prejudicial to the child protection/criminal investigation or the disciplinary process.

15. GUIDANCE ON DISCIPLINARY INVESTIGATIVE PROCEDURES

PERSON CONDUCTING THE INVESTIGATION

- 15.1 The aim of an investigation is not to prove or disprove an allegation, but to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action.
- 15.2 The person(s) conducting the investigation should:
- Interview the children or parents making the allegation(s)
 - Record the allegations in the form of signed and dated statements
 - Inform the person(s) making the statements they may be passed to the police if the matter becomes the subject of a police investigation.
 - Not give any undertakings of confidentiality
- 15.3 Statements or other evidence, gathered in the course of a criminal investigation, can only be provided to the school for disciplinary purposes with the consent of the police and signatories. Any statements etc which are used in the course of disciplinary hearings should be disclosed to the subject of the hearings, in accordance with the relevant disciplinary procedures.
- 15.4 The person undertaking the investigation should seek specialist advice as necessary e.g. from the LEA, and should familiarise him/herself with any relevant procedures and guidelines. He/she should:
- define areas to be investigated
 - draw up a provisional list of those to be interviewed and a list of topics to be discussed during the investigation
 - check corroborative evidence
 - assess the credibility of the person making the allegation

THE INVESTIGATION PROCESS

- 15.5 If, at any stage, new evidence emerges which make a referral to social care and/or the police, necessary under child protection procedures, the investigation should be held in abeyance and only resumed if social care and/or police indicate that it will not interfere with any child protection enquiries or criminal investigations.. Consideration should also be given as to whether suspension is appropriate in such circumstances.

INTERVIEWING A MEMBER OF STAFF WHO IS THE SUBJECT OF AN ALLEGATION

- 15.6 The timing of this interview will depend on the nature of the allegation and investigation process. The member of staff should be informed of:
- his/her rights under the relevant disciplinary procedure, including the right to representation
 - the allegation and invited to respond and to make a statement
 - the right either to respond or decline to respond
- 15.7 Full interview notes should be taken which the member of staff should be asked to read and sign as a true record. A copy should be provided. The member of staff should be invited to provide the names of any persons who may have relevant information, and these should be added to the list of those to be interviewed.

COMPILING A REPORT

- 15.8 Once all relevant persons have been interviewed and relevant issues explored, the investigation is complete. The details and statements obtained should then be compiled into a report.

SUBSEQUENT ACTION

- 15.9 A decision will need to be taken at this stage on whether further action should be taken, including the possible referral of the report under the relevant disciplinary proceedings.

REPORTS TO THE SECRETARY OF STATE FOR CONSIDERATION OF BARRING

- 15.10 The procedures to be followed, including the information required by the DfES, are contained within regulations and guidance³⁶.
- 15.11 Where a 'relevant employer' or an 'agent' has ceased to use a person's services because they are considered unsuitable to work with children, or as a result of misconduct, or because of a medical condition that may be a risk to the safety or welfare of children, a report should be forwarded to the DfES Children's Safeguarding Operations Unit³⁷

³⁶ Education (Prohibition from Teaching or Working with Children) Regulations 2003
Child Protection: Procedures for Barring or Restricting People Working with Children in Education (DfES Guidance 2004)

³⁶ formerly the Teachers Misconduct Team

³⁶ Section 142 Education Act 2002

³⁷ Formerly the Teachers Misconduct Team

- 15.12 Examples of a 'relevant employer' are LEA, someone providing education on behalf of a LEA, Proprietor of a school, and the Governing Body of a maintained school or FE institution
- 15.13 An 'agent' is a person who arranges for another person to work with children at the request of or with the consent of a relevant employer (whether or not under a contract). Examples of an 'agent' are employment agencies, teacher supply agencies; contractors e.g. catering, voluntary organisations, initial teacher training institutions, FE institutions providing courses for nursery nurses and childcare workers
- 15.14 The Secretary of State has the power to bar or restrict a person from working with children. A person may be automatically barred if convicted of a specified offence or the Secretary of State can issue a direction depending on the circumstances. In other cases a person may be given advice about their conduct or warned of the possible consequences of any similar behaviour in the future.