



Child Protection and Safeguarding Policy

Policy statement of intent

1.1 This policy is addressed to all members of staff and volunteers, is available to parents on request and is published on the College website. It applies wherever staff or volunteers are working with students even where this is away from the College, for example at an activity centre or on an educational visit. This policy has regard to the following documents:

- *Keeping Children Safe in Education (September 2016);*
- *Disqualification under the Childcare Act 2006 (February 2015);*
- *What to do if you're worried a child is being abused (March 2015);*
- *Working Together to Safeguard Children (March 2015);*
- *Information Sharing (March 2015).*
- *Prevent Duty Guidance: for England and Wales (March 2015);*
- *The Prevent Duty: Departmental Advice for Schools and Childminders (June 2015);*
- *The use of social media for on-line radicalization (July 2015).*

1.2 Every student should feel safe and protected from any form of abuse which, in this policy, means any kind of neglect, non-accidental physical injury, sexual exploitation or emotional ill-treatment.

1.3 Bath Academy is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. The College will take all reasonable measures to:

- ensure that we practice safer recruitment in checking the suitability of staff and volunteers (including staff employed by another organization or contractor) to work with children and young people in accordance with the guidance given in *Keeping Children Safe in Education 2016*, the *Education (Independent College Standards) (England) Regulations 2003* as amended and the *National Minimum Standards for Boarding Schools* and the *National Minimum Standards for Accommodation of Students under Eighteen by Further Education Colleges*;
- ensure that we carry out all necessary checks on the suitability of people who serve on the College's governing body in accordance with the above regulations and guidance given in *Keeping Children Safe in Education 2016* (and in the *National Minimum Standards for Boarding Schools* and the *National Minimum Standards for Accommodation of Students under Eighteen by Further Education Colleges*);
- ensure that where the College ceases to use the services of any person (whether employed, contracted, a volunteer or student) because that person was considered unsuitable to work with children, a prompt and detailed report is made to the Disclosure and Barring Service (DBS);
- ensure that where staff from another organisation are working with our students on another site, we have received assurances that appropriate child protection checks and procedures apply to those staff;
- follow the local inter-agency procedures of the Bath and North East Somerset Local Safeguarding Children Board;
- protect each student from any form of abuse, whether from an adult or another student;

- be alert to signs of abuse both in the College and from outside;
- deal appropriately with every suspicion or complaint of abuse in line with the statutory guidance given in *Dealing with Allegations of Abuse against Teachers and Other Staff* (October 2012).
- design and operate procedures which, so far as possible, ensure that teachers and others who are innocent are not prejudiced by false allegations;
- support students who have been abused in accordance with his / her agreed child protection plan;
- be alert to the medical needs of students with medical conditions;
- operate robust and sensible health & safety procedures;
- take all practicable steps to ensure that College premises are as secure as circumstances permit;
- operate clear and supportive policies on drugs, alcohol and substance misuse;
- consider and develop procedures to deal with any other safeguarding issues which may be specific to individual students in our College or in our local area; and have regard to guidance issued by the Secretary of State for Education in accordance with Section 157 of the Education Act 2002 and associated regulations.
- Carry out all DBS checks for all staff and volunteers

Every complaint or suspicion of abuse from within or outside the College will be taken seriously and in all proper circumstances will be referred to an external agency such as the social services department of the local authority (SSD), the child protection unit of the police (CPU) or the NSPCC. In each of these cases, the matter will be referred by the designated Child Safeguarding Officer (CSO) to the Local Authority Designated Officer (LADO), Bath and South East Somerset. All allegations against staff will be referred to the LADO for Bath and North East Somerset.

Responsibilities for Child Safeguarding

Safeguarding procedures are set by the **Local Safeguarding Children's Board for Bath and North East Somerset** (<http://www.bathnes.gov.uk/services/children-young-people-and-families/child-protection/local-safeguarding-children-board>).

Every employee and Director of the College as well as every volunteer who assists the College is under a general legal duty:

- to protect students from abuse;
- to be aware of the College's child protection procedures and to follow them;
- to know how to access and implement the procedures, independently if necessary; to keep a sufficient record of any significant complaint, conversation or event;
- to report any matters of concern to the CSO.
- safeguarding incidents can happen anywhere and staff should be alert to possible concerns
- all staff may raise concerns directly with Children's Social Care services.

Every employee is under a legal duty to undertake appropriate training including refresher training at three-yearly intervals and part-time and voluntary staff who work with students are made aware of these arrangements.

Whistleblowing: All staff are required to report to the Principal or the Directors in his/her absence, any concern or allegations about College practices or the behavior of colleagues which are likely to put students at risk of abuse or other serious harm. There will be no retribution or disciplinary action taken against a member of staff for making such a report provided that it is done in good faith. Please consult the college's Whistleblowing Policy.

The College's designated Child Safeguarding Officer (CSO) is Natalia Knott, the Accommodation and Welfare Officer, who may be contacted on 01225 334577. In her absence the **deputy CSO is Montana Sheikh.** The CSO and deputy CSO are fully trained in child protection and interagency working. Both the CSO and deputy CSO attend regular courses with child support agencies to ensure that they remain conversant with best practice. They undergo refresher training every two years and they both have a job description for their safeguarding roles and key activities. Their training meets the requirements of KCSIE.

Parents are welcome to approach the CSO if they have any concerns about the welfare of any student in the College, whether these concerns relate to their own child or any other. If preferred, parents may discuss concerns in private with the student's tutor or the Principal, who will immediately notify the CSO in accordance with these procedures.

The CSO reports to the Principal and her main responsibilities are:

- to be the first point of contact for parents, students, teaching and non-teaching staff and external agencies in all matters of child protection;
- to co-ordinate the child protection procedures in the College, ensure that child safeguarding policies and procedures are kept up-to-date;
- to maintain an on-going training programme for all College employees;
- during induction training of new staff to provide copies of all key documents (including the Child Protection and Safeguarding Policy, the Staff Code of Conduct and part one of KCSIE) to each new member of staff, and explain the systems to support safeguarding and ensure that these are understood;
- to explain to new staff the college's policies on the acceptable use of technologies and staff/pupil communications;
- to monitor the keeping, confidentiality and storage of records in relation to child protection;
- to liaise with the child protection officer appointed by the SSD (Local Authority Designated Officer);
- to keep parents informed of action to be taken under these procedures in relation to their child in accordance with paragraph 6.11;
- to monitor records of students in the College with child protection plans to ensure that these are maintained and updated as notification is received;
- to liaise with other professionals to ensure that students with child protection plans are monitored;
- where appropriate, to take part in the child protection conferences or reviews;
- to inform the SSD in writing when a child with a child protection plan moves to another College and to inform the new College of child's protection plans.
- To complete and update the required training for Designated Staff;

- To refer suspected cases of abuse to the appropriate authorities (see detailed procedures later) and to understand how child safeguarding procedures operate;
- To raise awareness of child safety issues in the college;
- To keep the Principal informed of all actions unless the Principal is the subject of a complaint. In this situation, the CSO should consult with the Directors, Mr. David Game and Mr. Mansour Kaveh;
- To ensure that Directors are kept informed.

The CSO maintains close links with the LSCB for the region and reports at least once a year to the Directors on the child protection issues outlined above. The College records on child protection are kept securely in a locked filing cabinet in one of the teaching buildings and are separated from routine pupil records. Access is restricted to the CSO and the Principal.

The Director with responsibility for Safeguarding is Mr David Game (contact details are available from the Principal's PA).

The Directors carry out an annual review of the College's safeguarding policies and procedures. The responsibilities of The Board of Directors are:

- To ensure that they comply with their duties under legislation
- To ensure that the policies, procedures and training in Bath Academy are effective and comply with the law at all times
- To formally review child protection issues annually and ensure any deficiencies or weaknesses in child protection arrangements are remedied without delay
- Approve amendments to child protection arrangements in light of changing regulation or recommended best practice
- Consider how children may be taught about safeguarding.

External Agencies Contact details:

- **Bath Locality Team** (for children who live in the central Bath area) **01225 396312**
- **North East Somerset Locality Team** (for children who live outside central Bath) **01225 396313**
- Outside of office hours- the **Emergency Duty Team** on **01454 615165**
- **Independent Schools Inspectorate:** CAP House, 9-12 Long Lane, London EC1A 9HA Tel: 020 7600 0100

College procedures for preventing unsuitable people working with children

The College follows the Government's recommendations for the safer recruitment and employment of staff who work with children and acts at all times in compliance with the Independent School Standards Regulations. In addition to carrying out safe recruitment procedures as set out in the DfE's guidance 'Keeping Children Safe in Education', members of the teaching and non-teaching staff at the school including part-time staff, temporary and supply staff, and visiting staff, such as musicians and sports coaches are subject to the necessary statutory child protection checks before starting work. All governors, volunteers, contractors working regularly during term-time, such as contract catering staff, are also subject to the relevant statutory checks. Confirmation is obtained that appropriate child protection checks and procedures apply to any staff employed by another organisation and working with the school's

pupils at school or on another site. Our policies are reviewed by governors annually. Please refer to the school's Recruitment Policy for further details.

Bath Academy follows the KCSIE guidance in all staff appointments during the appointment procedure. Some of the checks are mandatory in law, while others are strongly recommended. Schools and colleges are obliged to make all the checks unless there are overriding reasons for not doing so.

A member of staff who has been trained in Safer Recruitment Training in accordance with KCSIE will take part in all interviews for teaching and non-teaching positions. Bath Academy has to take extra care in taking up references and carrying out checks on staff appointed from overseas including the EU.

The agreed Disclosure and Barring Service (DBS) disclosure should be completed before a new colleague commences work. If Bath Academy has made every effort to secure a disclosure in advance of starting employment but procedures are incomplete at the start of contract, the recruiting manager should inform the Principal, who will implement additional supervision.

Types of abuse

All school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.

Abuse: a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults or by another child or children.

Abuse can be:

- physical abuse, for example beating or punching;
- emotional abuse, for example rejection and denial of affection;
- sexual abuse, for example sexual assault or encouraging a child to view pornographic material, or sexual exploitation;
- Neglect, for example failure to provide appropriate care including warmth or medical attention.
- Female genital mutilation and forced marriage;
- Sexting;
- Honour-based violence;
- Radicalisation.

Signs of abuse

Possible signs of abuse include (but are not limited to):

- the student says s/he has been abused or asks a question which gives rise to that inference;
- there is no reasonable or consistent explanation for a student's injury; the injury is unusual in kind or location; there have been a number of injuries; there is a pattern to the injuries;
- the student's behavior stands out from the group as either being extreme model behavior or extremely challenging behavior; or there is a sudden change in the student's behavior;

- the student asks to drop subjects with a particular teacher and seems reluctant to discuss the reasons;
- the student's development is delayed;
- the student loses or gains weight;
- the student appears neglected, e.g. dirty, hungry, inadequately clothed;
- the student is reluctant to go home, or has been openly rejected by his / her parents or carers;
- the child has run away or gone missing;

Children who have suffered or who are likely to suffer significant harm will be reported to Children's Social Care immediately. Other children who are in need of additional support from one or more agencies will be referred for inter-agency assessment. Although seeking such support for a child in need would normally be taken in consultation with the child's parents, when there are reasonable grounds to believe that a child is at risk of significant harm parental consent will not be required.

Specific Safeguarding Issues

1. **Child Sexual Exploitation (CSE)** - The following list of indicators is not exhaustive or definitive but it does highlight common signs which can assist professionals in identifying children or young people who may be victims of sexual exploitation. Signs include:

- inappropriate sexual or sexualised behaviour
- sexually risky behaviour, 'swapping' sex
- repeat sexually transmitted infections
- in girls, repeat pregnancy, abortions, miscarriage
- receiving unexplained gifts or gifts from unknown sources
- having multiple mobile phones and worrying about losing contact via mobile
- having unaffordable new things (clothes, mobile) or expensive habits (alcohol, drugs)
- changes in the way they dress
- going to hotels or other unusual locations to meet friends
- seen at known places of concern
- moving around the country, appearing in new towns or cities, not knowing where they are
- getting in/out of different cars driven by unknown adults
- having older boyfriends or girlfriends
- contact with known perpetrators
- involved in abusive relationships, intimidated and fearful of certain people or situations
- hanging out with groups of older people, or anti-social groups, or with other vulnerable peers
- associating with other young people involved in sexual exploitation
- recruiting other young people to exploitative situations
- truancy, exclusion, disengagement with school, opting out of education altogether
- unexplained changes in behaviour or personality (chaotic, aggressive, sexual)
- mood swings, volatile behaviour, emotional distress
- self-harming, suicidal thoughts, suicide attempts, overdosing, eating disorders
- drug or alcohol misuse] getting involved in crime]
- police involvement, police records
- involved in gangs, gang fights, gang membership
- injuries from physical assault, physical restraint, sexual assault.

2. **The Prevent duty** If BATH ACADEMY has a concern about a student and radicalisation then it will follow the procedure outlined by BANES LSCB. The CSO will speak to the Local

Authority Prevent Contact and the LADO/police will be contacted as advised. In order for BATH ACADEMY to fulfil its Prevent duty, it is essential that staff are able to identify students who may be vulnerable to radicalisation, and know what to do when they are identified. Protecting students from the risk of radicalisation is part of BATH ACADEMY' wider safeguarding duties, and is similar in nature to protecting our young people from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences. To achieve this aim Bath Academy seeks to build students' resilience to radicalisation by promoting fundamental British values and enabling students to challenge extremist views. That said, our Prevent duty does not stop the debating of controversial issues. On the contrary, BATH ACADEMY provides a safe space in which our young people and staff can understand the risks associated with terrorism and develop the knowledge and skills to be able to challenge extremist arguments.

The DFE dedicated helpline/mailbox for non-emergency advice for staff and Trustees: 020 7340 7264 counter-extremism@education.gsi.gov.uk

Prevent Officer Stephanie Calne, Eastern Counter Terrorism Intelligence Unit Cambridge
01223 823246 Prevent@cambs.pnn.police.uk

Risk assessment Statutory guidance makes clear the expectation to assess the risk of young people being drawn into terrorism through support for extremist ideas that are part of terrorist ideology. Via staff training and raising student awareness, Bath Academy demonstrates both a general understanding of the risks affecting young people in the area and a specific understanding of how to identify individuals who may be at risk of radicalisation and what to do to support them.

The general risks affecting young people may vary from area to area, and according to their age. Bath Academy recognises that it is in an important position to identify risks within our local context.. Bath Academy understands the risks involved and is able respond in an appropriate and proportionate way. Bath Academy is aware of the increased risk of online radicalisation, as terrorist organisations such as ISIL seek to radicalise young people through the use of social media and the internet. With increasing internet connectivity via mobile devices Bath Academy recognises the limitations of our ability to prevent such access. It is in light of this that Bath Academy ensures that staff are trained to recognise students that are at risk and to report such concerns to the Designated Safeguarding Lead (also referred to as the Child Safeguarding Officer, CSO). Senior staff are then able to examine the associated risks on a case basis at our regular welfare group meetings.

Staff training Bath Academy acknowledges the importance of Prevent awareness training to equip staff to identify young people at risk of being drawn into terrorism and to challenge extremist ideas. Staff at Bath Academy have trained with the on line certificated Channel training.

Student Training Channel Training will be undertaken by all new students into the college at the beginning of the each academic year (from September 2016)

IT policies The statutory guidance makes clear the need for schools to ensure that young people are safe from terrorist and extremist material when accessing the internet in college. Bath Academy has a college-wide safe internet usage policy that all staff and students sign up to. Bath Academy Bath Academy employs internet filtering to reduce the availability of access to radical material Bath Academy. also reserves the right to examine

individual student devices if we suspect that the internet connection that we supply has been used to access unsuitable or potentially dangerous material.

Building students' resilience to radicalisation Bath Academy seeks to build students' resilience to radicalisation by providing a safe environment for debating controversial issues and helping them to understand how they can influence and participate in decisionmaking. promotes the spiritual, moral, social and cultural development of students and, within this, fundamental British values. Our Personal, Social and Health Education (PSHE) is an effective way of providing students with time to explore sensitive or controversial issues, and equips them with the knowledge and skills to understand and manage difficult situations. Bath Academy teaches students to recognise and manage risk, make safer choices, and to recognise when pressure from others threatens their personal safety and wellbeing. Our students are able to develop effective ways of resisting pressures, including knowing when, where and how to get help via personal tutors, teachers, college nurse, house managers and the college's independent listener.

Vulnerability/ Risk Indicators The following lists are not exhaustive and all or none may be present in individual cases of concern. Nor does it mean that vulnerable people/ young people experiencing these factors are automatically at risk of exploitation for the purposes of extremism. The accepted view is that a complex relationship between the various aspects of an individual's identity determines their vulnerability to extremism. Over-simplified assessments based upon demographics and poverty indicators have consistently demonstrated to increase victimisation, fail to identify vulnerabilities and, in some cases, increase the ability of extremists to exploit, operate and recruit. There is no such thing as a 'typical extremist' and those involved in extremism come from a range of backgrounds and experiences. The following indicators have been provided to support professionals in NL to understand and identify factors that may suggest a child, young person or their family may be vulnerable or involved with extremism.

Vulnerability

- Identity Crisis - Distance from cultural/ religious heritage and uncomfortable with their place in the society around them
- Personal Crisis – Family tensions; sense of isolation; adolescence; low self esteem; disassociating from existing friendship group and becoming involved with a new and different group of friends; searching for answers to questions about identity, faith and belonging
- Personal Circumstances – Migration; local community tensions; events affecting country or region of origin; alienation from UK values; having a sense of grievance that is triggered by personal experience of racism or discrimination or aspects of Government policy
- Unmet Aspirations – Perceptions of injustice; feeling of failure; rejection of civic life
- Criminality – Experiences of imprisonment; poor resettlement/ reintegration, previous involvement with criminal groups

Access to extremism / extremist influences

- Is there reason to believe that the child/young person associates with those known to be involved in extremism - either because they associate directly with known individuals or because they frequent key locations where these individuals are known to operate? (e.g. the child/young person is the partner, spouse, friend or family member of someone believed to be linked with extremist activity) Does the child/young person frequent, or is there evidence to suggest that they are accessing the internet for the purpose of extremist activity? (e.g. Use of closed network groups, access to or distribution of extremist material, contact associates covertly via Skype/email etc)

- Is there reason to believe that the child/young person has been or is likely to be involved with extremist/ military training camps/ locations?
- Is the child/young person known to have possessed or is actively seeking to possess and/ or distribute extremist literature/ other media material likely to incite racial/ religious hatred or acts of violence?
- Does the child/young person sympathise with, or support illegal/illicit groups e.g. propaganda distribution, fundraising and attendance at meetings?
- Does the child/young person support groups with links to extremist activity but not illegal/illicit e.g. propaganda distribution, fundraising and attendance at meetings?

Experiences, Behaviours and Influences

- Has the child/ young person encountered peer, social, family or faith group rejection?
- Is there evidence of extremist ideological, political or religious influence on the child/ young person from within or outside UK?
- Have international events in areas of conflict and civil unrest had a personal impact on the child/ young person resulting in a noticeable change in behaviour? It is important to recognise that many people may be emotionally affected by the plight of what is happening in areas of conflict (i.e. images of children dying) it is important to differentiate them from those that sympathise with or support extremist activity
- Has there been a significant shift in the child/ young person's behaviour or outward appearance that suggests a new social/political or religious influence?
- Has the child/ young person come into conflict with family over religious beliefs/lifestyle/ dress choices?
- Does the child/ young person vocally support terrorist attacks; either verbally or in their written work?
- Has the child/ young person witnessed or been the perpetrator/ victim of racial or religious hate crime or sectarianism?

Travel

- Is there a pattern of regular or extended travel within the UK, with other evidence to suggest this is for purposes of extremist training or activity?
- Has the child/ young person travelled for extended periods of time to international locations known to be associated with extremism?
- Has the child/ young person employed any methods to disguise their true identity? Has the child/ young person used documents or cover to support this?

Social Factors

- Does the child/ young person have experience of poverty, disadvantage, discrimination or social exclusion?
- Does the child/ young person experience a lack of meaningful employment appropriate to their skills?
- Does the child/ young person display a lack of affinity or understanding for others, or social isolation from peer groups?
- Does the child/ young person demonstrate identity conflict and confusion normally associated with youth development?
- Does the child/ young person have any learning difficulties/ mental health support needs?
- Does the child/ young person demonstrate a simplistic or flawed understanding of religion or politics?
- Does the child/ young person have a history of crime, including episodes in prison?
- Is the child/young person a foreign national, refugee or awaiting a decision on their immigration/ national status?
- Does the child/ young person have insecure, conflicted or absent family relationships?

- Has the child/ young person experienced any trauma in their lives, particularly any trauma associated with war or sectarian conflict?
- Is there evidence that a significant adult or other in the child/young person's life has extremist view or sympathies?

More critical risk factors could include:-

- Being in contact with extremist recruiters
- Articulating support for extremist causes or leaders
- Accessing extremist websites, especially those with a social networking element
- Possessing extremist literature
- Using extremist narratives and a global ideology to explain personal disadvantage
- Justifying the use of violence to solve societal issues
- Joining extremist organisations
- Significant changes to appearance and/or behavior

Visiting Speakers - visiting speakers enhance our intellectual life and provide stretch, challenge and inspiration for students. The Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) requires a clear protocol for ensuring that any visiting speakers are suitable and appropriately supervised. The Prevent Duty requires us to have regard to the need to prevent people, including children, from being radicalised or drawn into terrorism. Radicalisation is the process by which a person comes to support terrorism and forms of extremism. Extremism is vocal or active opposition to fundamental British values including democracy, the rule of law, individual liberty, mutual respect and tolerance of different faiths and beliefs. Calls for the death of members of UK armed forces, whether in this country or overseas, are also considered extremist. We are not permitted to obtain a DBS disclosure or Barred List information on any visiting speaker who does not engage in regulated activity or perform any other regular duties for or on behalf of the College.

All visiting speakers will be subject to the College's usual visitors' protocol. The College will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the College. In doing so the College will always have regard to the Prevent Duty Guidance and the definition of "extremism" set out above.

Actions - Any member of staff inviting a visiting speaker, or overseeing a group of students who would like to invite a visiting speaker, must as a minimum carry out an internet search on the proposed speaker. Students may not invite visiting speakers – this must be done through a member of staff. If the internet search reveals information that indicate the speaker presents a risk of radicalisation then the matter must be referred to the Principal who will ultimately decide if it is appropriate to invite the speaker to attend the College. All visiting speakers will be required to bring proof of ID unless the speaker is known by the College. It is the responsibility of the supervising member of staff to check the ID and to supervise the speaker at all times. If a visiting speaker is carrying out other duties for the College, on a paid or unpaid basis, then they are likely to be categorised as either staff or a volunteer. If that is the case, then formal vetting checks will be necessary in accordance with the usual practices for staff and/or volunteers. It is only when formal vetting checks are necessary, that they must be recorded on the single central register (SCR). Informal checks on a visiting speaker do not therefore need to be recorded on the SCR.

3. **Female Genital Mutilation (FGM)** It is essential that staff are aware of FGM practices and the need to look for signs, symptoms and other indicators of FGM. It involves procedures that intentionally alter/injure the female genital organs for nonmedical reasons. FGM is internationally recognised as a violation of human rights of girls and women. It is illegal in

most countries including the UK. The FGM mandatory reporting duty is a legal duty provided for in the FGM Act 2003 (as amended by the Serious Crime Act 2015). This legislation requires the college to make a report to the police. The CSO will do this verbally by calling 101 and ask to be connected to the police force.

Why is it carried out

- Preserves a girl's virginity
- Part of being a woman / rite of passage
- Upholds family honour
- Cleanses and purifies the girl
- Gives a sense of belonging to the community
- Fulfils a religious requirement
- Perpetuates a custom/tradition
- Helps girls be clean / hygienic
- Is cosmetically desirable
- Mistakenly believed to make childbirth easier
- FGM brings status/respect to the girl – social acceptance for marriage

Circumstances and occurrences that may point to FGM happening:

- Child talking about getting ready for a special ceremony
- Family taking a long trip abroad
- Child's family being from one of the 'at risk' communities for FGM (Kenya, Somalia, Sudan, Sierra Leon, Egypt, Nigeria, Eritrea as well as non-African communities including Yemeni, Afghani, Kurdistan, Indonesia and Pakistan) • Knowledge that the child's sibling has undergone FGM
- Child talks about going abroad to be 'cut' or to prepare for marriage Signs that may indicate a child has undergone FGM:
 - Prolonged absence from school and other activities
 - Behaviour change on return from a holiday abroad, such as being withdrawn and appearing subdued
 - Bladder or menstrual problems
 - Finding it difficult to sit still and looking uncomfortable
 - Complaining about pain between the legs
 - Mentioning something somebody did to them that they are not allowed to talk about
 - Secretive behaviour, including isolating themselves from the group • Reluctance to take part in physical activity
 - Repeated urinal tract infection
- Disclosure

4. Sexting

Definition: the term 'sexting' is a derivation of 'texting' but relates to the sending of indecent images, videos and/or written messages with sexually explicit content. These are created and sent via electronic communication devices such as mobile telephones, tablets, laptops and desktop computers. They are often 'shared' via social networking sites and instant messaging services.

Legal Implications for pupils: Sexting potentially breaches several civil laws concerned with the creation, possession and distribution of child pornography and indecent images. These are images which show partial (where breasts or genitals are exposed) or full nudity and/or feature sexual acts being performed. It is illegal for pupils to make and/or

share images such as these, even if they are images of themselves, which have been taken personally or with consent. Pupils who engage in sexting (to any extent) are at risk of receiving a police caution and/or being placed on a register for sexual offenders for a period of several years (which can have serious ramifications in adulthood with regards to employment, travel etc). Sexting can also (in some cases) be viewed as a crime under the Malicious Communications Act.

Our duty: As staff, we have a responsibility to work with parents and carers in ensuring that all pupils are fully aware of the dangers and possible repercussions of sexting. In school, this information will be communicated to pupils during PSHE lessons.

If an incident of sexting is reported or suspected at Bath Academy:

- If “sexting” is reported by the victim or deemed to be a safeguarding matter, then it must be treated as a disclosure of a safeguarding matter and referred to the CSO, who will take the appropriate further action.
- Parents and carers will be notified and the incident will be reported to the local LADO or the police, as appropriate.
- Pupils will be sanctioned in accordance with our Behaviour Policy. Sexting is a serious offence and dependent on motive, intent, pressure or coercion, those involved may be issued with fixed term or, in extreme cases, even permanent exclusion.
- Pupils may also be subject to interview by the Police and confiscation of their electronic devices.

Guidance for staff if you suspect that an offence has been committed:

- If you suspect that “sexting” has taken place or you become aware of indecent images circulating in the college or a student refers an incident of “sexting” to you, then you must refer it straight away to the Designated Safeguarding Lead, who is authorised by the Principal to investigate such matters
- Although all staff are by law permitted to search pupils without their consent if they have a reasonable suspicion that they may have prohibited items in their possession, such as pornography, you may put yourself at risk of allegations by attempting to deal with this issue or by viewing indecent images yourself, so this is an investigation that should be carried out by the CSO.
- You are not permitted to forward, copy or print any sexting images and you may inadvertently implicate yourselves simply by viewing such material.
- If you are in any doubt whatsoever, seek immediate advice from the CSO and refer the issue on.

Expert and professional organisations are best placed to provide up-to-date guidance and practical support on specific safeguarding issues. For example NSPCC offers information for schools and colleges on the TES website and also on its own website www.nspcc.org.uk. Schools and colleges can also access broad government guidance on the issues listed below via the GOV.UK website:

- Child sexual exploitation (CSE) – see also above
- Bullying including cyberbullying
- Domestic violence • Drugs
- Fabricated or induced illness
- Faith abuse
- Female genital mutilation (FGM) – see also above
- Forced marriage
- Gangs and young violence
- Gender-based violence/violence against women and girls (VAWG)

- Mental health
- Private fostering
- Radicalisation
- Sexting
- Teenage relationship abuse
- Trafficking

Procedures – what you should do if you are concerned about a child:

Initial concern: A member of staff suspecting or hearing a complaint of abuse:

- must immediately notify the CSO;
- must listen carefully to the student and keep an open mind. Staff should not take a decision as to whether or not the abuse has taken place;
- must not ask leading questions, that is, a question which suggests its own answer;
- must reassure the student but not give a guarantee of absolute confidentiality. The member of staff should explain that they need to pass the information immediately to the CSO who will ensure that the correct action is taken;
- must keep a sufficient written record of the conversation. The record should include the date, time and place of the conversation and the essence of what was said and done by whom and in whose presence. The record should be signed by the person making it and should use names, not initials. The record must be kept securely and handed to the CSO.

Preserving evidence: All evidence, (for example, scribbled notes, and mobile phones containing text messages, clothing, and computers), must be safeguarded and preserved.

Reporting: All suspicion or complaints of abuse must be reported to the CSO or Deputy CSO, or if the complaint involves the CSO, to the Principal.

Action by the CSO: The action to be taken will take into account:

- the local inter-agency procedures of the Bath and North East Somerset Local Safeguarding Children Board;
- the nature and seriousness of the suspicion or complaint. A complaint involving a serious criminal offence will always be referred to the SSD or the police without further investigation within the College;
- the wishes of the student who has complained, provided that the student is of sufficient understanding and maturity and properly informed. However, there may be times when the situation is so serious that decisions may need to be taken, after all appropriate consultation, that override a student's wishes;
- the wishes of the complainant's parents, provided they have no interest which is in conflict with the student's best interests and that they are properly informed. Again, it may be necessary, after all appropriate consultation, to override parental wishes in some circumstances. If the CSO is concerned that disclosing information to parents would put a student at risk, he or she will take further advice from the relevant professionals before making a decision to disclose;
- duties of confidentiality, so far as applicable;

- the lawful rights and interests of the College community as a whole including its employees;
- if there is room for doubt as to whether a referral should be made, the CSO will consult with the Local Authority Designated Officer or other appropriate professionals on a no names basis without identifying the family. However, as soon as sufficient concern exists that a student may be at risk of significant harm, a referral will be made without delay. If the initial referral is made by telephone, the CSO will confirm the referral in writing to SSD within 24 hours. If no response or acknowledgment is received within three working days, the CSO will contact Social Services again.
- The CSO should differentiate between safeguarding children who have suffered or are likely to suffer significant harm and those who are in need of additional support from one or more agencies. The former should be reported to Children's Social Care immediately, the latter should lead to inter-agency assessment using BANES processes including the Common Assessment Framework and "Team Around the Child".
- The CSO will keep written records of concerns, discussions, decisions, and reasons for decisions.

External agencies: Whether or not the College decides to refer a particular complaint to the SSD or the police, the parents and student will be informed in writing of their right to make their own

complaint or referral to the Social Services Department or the Child Protection Unit of the police and will be provided with contact names, addresses and telephone numbers, as appropriate.

Allegations against staff: The College has procedures for dealing with allegations against staff (and volunteers who work with students) that aim to strike a balance between the need to protect students from abuse and the need to protect staff and volunteers from false or unfounded allegations. These procedures follow the guidance in abuse in *Dealing with Allegations of Abuse against Teachers and Other Staff* (October 2012); chapter 5 of *Keeping Children Safe in Education 2014*.

It is an offense for any person aged 18 and over, such as a teacher 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, in the case of those over 16, the relationship is consensual. Further information giving clear guidance about behaviour and actions so as not to place pupils and staff at risk of harm or of allegations of harm to a pupil can be found in the Staff Code of Conduct.

Any allegation of abuse made against a member of staff will be reported immediately to the CSO. If an allegation is made against a teacher the quick resolution of that allegation must be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated. The College will not undertake investigations of allegations without prior consultation with the Named Senior Officer, The Local Authority Designated Officer (LADO), or in the most serious cases, the police, so as not to jeopardise statutory investigations. In borderline cases discussions with the Named Senior Officer can be held informally and without naming Bath Academy or individual.

Where an allegation or complaint is made against the CSO or any other member of staff or a volunteer, the matter should be reported immediately to the Principal.

Where an allegation or complaint is made against the Principal, the person receiving the allegation should immediately inform the CSO, or in her absence, the Directors, without first notifying the Principal.

The CSO/Deputy CSO will refer **all** allegations or suspicions of abuse or cases where there is reasonable cause to suspect a child is suffering, or is likely to suffer significant harm, to the local authority designated officer (LADO) within 24 hours.

Borderline cases will be discussed with the LADO without identifying individuals in the first instance and following discussions the LADO will judge whether or not an allegation or concern meet the relevant threshold. The LADO and the CSO/Deputy CSO will decide in the circumstances what further steps should be taken. This could involve informing parents and calling the police.

If the allegation concerns a member of staff, a volunteer or another pupil he/she would normally be informed as soon as possible after the result of any initial investigation authorised or conducted by the LADO is known. Advice will always be sought from the LADO first, however. The College will normally appoint a member of staff to keep the person informed of the likely course of action and the progress of the case.

The outcome of investigation of an allegation will record whether it is substantiated (sufficient evidence either to prove or disprove it), unsubstantiated (insufficient evidence either to prove or disprove it), false (sufficient evidence to disprove it) or malicious (sufficient evidence to disprove it and that there has been a deliberate act to deceive). If it is established that the allegation is malicious, no details of the allegation will be retained on the individual's personnel records. In all other circumstances a written record will be made of the decision and retained on the individual's personnel file in accordance with DfE advice.

If the LADO or any of the statutory child protection authorities decide to take the case further, any staff member concerned may be suspended if this is felt appropriate. The reasons and justification for suspension will be recorded and the staff member informed of them. In the case of staff the matter will be dealt with in accordance with the Disciplinary Procedure. Where a member of the residential staff is suspended pending an investigation of a child protection nature, suitable arrangements for the member of staff and their dependents must be put in place for alternative accommodation away from children. In the case of a pupil the matter will be dealt with under the College Rules, Discipline and Sanctions Policy.

During the course of the investigation the College in consultation with the LADO will decide what information should be given to parents, staff and other pupils and how press enquiries are to be dealt with. In reaching their decision due consideration will be given to the provisions in the Education Act 2011 relating to reporting restrictions identifying teachers who are the subject of allegations from pupils.

Any pupils who are involved will receive appropriate care. If an investigation leads to the dismissal or resignation prior to dismissal of a member of teaching staff, the College will consider making a referral to the National College for Teaching and Leadership (NCTL) and a prohibition order may be appropriate (because that teacher has displayed unacceptable professional conduct, conduct that may bring the profession into disrepute or a conviction at any time for a relevant offence).

We follow Disclosure and Barring Services (DBS) guidance and procedures regarding referrals and barring decisions and the Safeguarding Vulnerable Groups Act 2006 and the Safeguarding Vulnerable Groups Act (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009. The College will report to the DBS, within one month of leaving the College any person (whether employed, contracted, a volunteer or a student) whose services are no longer used because he or she is considered unsuitable to work with children. This includes dismissal, non-renewal of a fixed term contract, no longer using a supply teacher engaged directly or supplied by an agency, terminating the placement of a trainee or volunteer, no longer using staff employed by a contractor and resignation and voluntary withdrawal from any of the above.

Allegations against students: In the event of a disclosure about pupil on pupil abuse, all children involved will be treated as “being at risk”, whether perpetrator or victim. A student against whom an allegation of abuse has been made may be suspended from the College during the investigation

and the College's policy on behavior, discipline and sanctions will apply. The College will take advice from the Local Authority Designated Officer (LADO) on the investigation of such allegations and will take all appropriate action to ensure the safety and welfare of all students involved including the student or students accused of abuse. If it is necessary for a student to be interviewed by the police in relation to allegations of abuse, the College will ensure that, subject to the advice of the LADO, parents are informed as soon as possible and that the student is supported during the interview by an appropriate adult. In the case of students whose parents are abroad, the student's Guardian will be requested to provide support to the student and to accommodate him/her if it is necessary to suspend him/her during the investigation.

Suspected harm from outside the College: A member of staff who suspects that a student is suffering harm from outside the College should seek information from the student with tact and sympathy using "open" and not leading questions. A sufficient record should be made of the conversation and the member of staff should refer the matter to the CSO immediately.

Missing child procedures: The CSO will notify Social Services if there is an unexplained absence of more than two days by a child on the Child Protection Register. All staff are informed of the separate procedure to be used for searching for, and if necessary, reporting, any student missing from College. The procedure includes the requirement to record any incident, the action taken and the reasons given by the student for being missing.

Informing parents: Parents will normally be kept informed as appropriate of any action to be taken under these procedures. However, there may be circumstances when the CSO will need to consult the LADO and/or the Principal before discussing details with parents.

Confidentiality and information sharing

Confidentiality and information sharing: The College will keep all child protection records confidential, allowing disclosure only to those who need the information in order to safeguard and promote the welfare of children and young people. The College will cooperate with police and social services to ensure that all relevant information is shared for the purposes of child protection investigations under Section 47 of the Children Act 1989 in accordance with the requirements of Working Together to Safeguard Children.

Training

- All staff – both newly appointed and those already in post - are required to read at least part 1 of KCSIE. For staff who cannot read English the school will ensure that they understand key information.

The CSO and deputy CSO will receive appropriate training carried out every two years in order to:

Understand the assessment process for providing early help and intervention, for example through locally agreed common and shared assessment processes such as early help assessments.

Have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so.

Ensure every member of staff has access to and understands the school child protection policy especially new or part time staff who may work with different educational establishments.

Ensure that all staff have training to recognise and identify signs of abuse, and

when it is appropriate to make a referral, and to understand how child safeguarding procedures operate;

Be alert to the specific needs of children in need, those with special educational needs and young carers.

Be able to keep detailed, accurate, secure written records of concerns and referrals.

Obtain access to resources and attend any relevant or refresher training courses.

- The Principal, and at least one other senior manager will have Safer recruitment training.
- All staff will be trained regularly, in line with advice from the LSCB.
- The CSO will supplement the regular, formal training of staff with informal updates, as required but at least annually e.g., by email, bulletins or items on the agenda of staff meetings.
- All staff will receive training in online safety.
- During induction all new staff, including temporary staff and volunteers will be provided with training that includes:
 - The College's Child Protection and Safeguarding Policy,
 - The Staff Code of Conduct,
 - The Whistleblowing Policy,
 - The identity of the CSO and deputy CSO,
 - A copy of Part 1 of KCSIE
 - Annex A of KCSIE
 - The acceptable use of technologies
 - Staff/student communication

Monitoring

The CSO will monitor the operation of this policy and its procedures and make an annual report to the Principal and Directors.

The Directors will undertake an annual review of this policy and how their duties under it have been discharged. This policy review will also draw upon the expertise of staff. The Directors will ensure that any deficiencies or weaknesses in regard to child protection arrangements are remedied without delay and that the school should consider at all times what is in the best interest of the child.

Physical intervention

Staff must only ever use physical intervention as a last resort, when a child is endangering him/herself or others and that at all times it must be the minimal force necessary. Such events should be record and signed by a witness.

Anti-Bullying

Our policy on anti-bullying is set out in a separate document and acknowledges that to allow or condone bullying may lead to consideration under child protection procedures. This includes all forms of bullying.

Racist incidents

Our policy on racist incidents is set out separately and acknowledges that repeated incidents or a single serious one may lead to consideration under child protection procedures

The following telephone numbers may be useful for students:

Childline **0800 1111**

NSPCC **0808 800 5000**

Parent Line **0808 800 2222**

**DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND
OTHER STAFF
GUIDANCE FOR LOCAL AUTHORITIES, HEAD TEACHERS, SCHOOL
STAFF, GOVERNING BODIES AND PROPRIETORS OF INDEPENDENT
SCHOOLS**

ABOUT THIS GUIDANCE

This is statutory guidance from the Department for Education. Schools, local authorities and FE colleges should have regard to it when carrying out duties relating to handling allegations against teachers and other staff.

WHAT LEGISLATION DOES THIS GUIDANCE RELATE TO?

- The Children Act 1989
- Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector)
- Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010
- The Children Act 2004
- Section 11 of the Children Act 2004 (other agencies)
- Sections 141F, 141G and 141H3 of the Education Act 2002.

WHO IS THE GUIDANCE FOR?

All schools¹, local authorities, governing bodies and the FE sector. This guidance relates to all adults working with children and young people, whether in a paid or voluntary position including those who work with children on a temporary, supply or locum basis.

KEY POINTS

- If an allegation is made against a teacher the quick resolution of that allegation should be a clear priority to the benefit of all concerned. Any unnecessary delays should be eradicated.
- In response to an allegation all other options should be considered before suspending a member of staff: suspension should not be the default option. An individual should be suspended only if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the employer and the individual notified of the reasons.

¹ "All schools" include Academies, Free Schools, independent schools and all types of maintained schools.

- Allegations that are found to be malicious should be removed from personnel records; and any that are unsubstantiated, are unfounded or malicious should not be referred to in employer references.
- Pupils that are found to have made malicious allegations are likely to have breached school behaviour policies. The school or college should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
- All schools and FE colleges should have procedures for dealing with allegations. The procedures should make it clear that **all allegations should be reported immediately**, normally to the head teacher, principal or proprietor if it is an independent school. The procedures should also identify the person, often the chair of governors, to whom reports should be made in the absence of the head teacher or principal; or in cases where the head teacher or principal themselves is the subject of the allegation or concern. Procedures should also include contact details for the local authority designated officer (LADO) responsible for providing advice and monitoring cases.

DUTIES AS AN EMPLOYER AND EMPLOYEE

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

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

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

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or FE college is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

INITIAL CONSIDERATIONS

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

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

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

- a. Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b. False:** there is sufficient evidence to disprove the allegation;
- c. Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- e Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

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

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in

which case this decision and a justification for it should be recorded by both the case manager and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

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

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with *Working Together to Safeguard Children*. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and FE college staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the case manager. In those circumstances, the options open to the school or FE college depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative. In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school or FE college's staff.

However, in other circumstances, such as lack of appropriate resource within the school or FE college, or the nature or complexity of the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that schools and FE colleges can buy in from the authority. It is important that local authorities ensure that schools and FE colleges have access to an affordable facility for independent investigation where that is appropriate.

SUPPORTING THOSE INVOLVED

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the

likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

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

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parent or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.² Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002 (see below). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need

CONFIDENTIALITY

It is extremely important that when an allegation is made, the school or FE college makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a

disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commence on 1 October 2012.

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

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

The case manager should take advice from the LADO, police and children’s social care services to agree the following:

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

how to manage press interest if and when it should arise.

RESIGNATIONS AND ‘COMPROMISE AGREEMENTS’

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it.

² In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

So-called 'compromise agreements', by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in these cases. Such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the Independent Safeguarding Authority (ISA) (Disclosure and Barring Service (DBS) from December 2012) where circumstances require that.

RECORD KEEPING

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

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

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

REFERENCES

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

TIMESCALES

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

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

OVERSIGHT AND MONITORING

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

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

- liaising with the LADO;
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

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

SUSPENSION

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

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school or FE college is/are at risk of significant harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or FE college or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the LADO.

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

- redeployment within the school or college so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school or college so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent

professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

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

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

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

INFORMATION SHARING

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

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

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

ACTION FOLLOWING A CRIMINAL INVESTIGATION OR A PROSECUTION

The police or the Crown Prosecution Service (CPS) should inform the employer and LADO immediately when a criminal investigation and any subsequent trial is

complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

ACTION ON CONCLUSION OF A CASE

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the case manager and their personnel adviser whether to refer the case to the ISA (DBS from December 2012) for consideration of inclusion on the barred lists; or to refer to the Teaching Agency.

There is a legal requirement for employers to make a referral to the ISA where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the ISA arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. The ISA will consider whether to bar the person from working in regulated activity, which will include most work in schools and other educational establishments. Local authorities, schools, FE colleges and other bodies all have a statutory duty to make reports, and to provide relevant information to the ISA. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

Professional misconduct cases should be referred to the relevant regulatory body.

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

LEARNING LESSONS

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future. This should include issues

arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

ACTION IN RESPECT OF UNFOUNDED OR MALICIOUS ALLEGATIONS

If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headteacher, principal or proprietor should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil. In September 2010 the Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997.

FURTHER INFORMATION

The Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997. This can be found at <http://www.cps.gov.uk/legal/stou/stalkingandharassment/index.html>

Guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention.

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/employment_practices_code.pdf

http://www.ico.gov.uk/for_organisations/data_protection/the_guide.aspx

Guidance on how to make a referral to the ISA is at:
<http://www.isa.homeoffice.gov.uk/Default.aspx?page=379>

All staff must also take into account the Staff Behaviour and Code of Conduct Policy

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