



Policy

Child Protection

Last Reviewed: Spring 2016

Member of staff responsible: Head Teacher

Review: Annually

Review Date: Spring 2017

1.0 Roles and Responsibilities

The Governing Body of the School are responsible for determining the content of this policy and the Head Teacher for implementation. Any determination with respect to individual parents/carers will be considered jointly by the Head Teacher and Governing Body. While the responsibility for the implementation of this policy and provision rests with the Head Teacher, on an operational basis, the management, responsibility and evaluation of this policy is undertaken by the **Head Teacher**

2.0 Suggested Audience

All Staff

3.0 Related policies

This policy is part of a suite of policies which should also be referred to:

- Anti-bullying policy
- Student behaviour Policy
- Educational Visits Guidelines
- Equal Opportunities for students
- Staff Recruitment

4.0 School Mission Statement

Barrow 1618 C of E Free School will provide high quality teaching and learning through a broad and balanced curriculum. We will maximise the use of learning and teaching outside of the classroom across the curriculum where this is relevant and beneficial. Opportunities for outdoor learning will be considered and included in all planning. Through rigorous attention to detail in assessment and self-evaluation we will ensure continuous school improvement.

5.0 Introduction

5.1 The Children Acts 1989 and 2004 define a child as those young people who have not reached their 18th birthday. The majority of students in this School will technically be regarded as children for the purposes of Safeguarding and Child Protection. The School will seek to show these same levels of care, concern and protection for those students who have reached their 18th birthdays, but will seek to gain their active co-operation and agreement when supporting them.

5.2 The Government has defined the term 'safeguarding students' as:

'The process of protecting students from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables students to have optimum life chances and enter adulthood successfully.'

Christine Gilbert

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Her Majesty's Chief Inspector

(The third joint chief inspectors' report on arrangements to safeguard students 2008)

- 5.3. This School is committed to safeguarding and promoting the welfare of students and young people and expects all staff and volunteers to share this commitment.
- 5.4. The School recognises that because School staff are in regular and frequent contact with students, they are particularly well placed to observe signs of abuse or neglect.
- 5.5. The School is aware of the responsibilities which all staff have with regard to the protection of students from abuse and from inappropriate and inadequate care. Therefore, the School is committed to reacting in accordance with *(insert name)* Council procedures in all cases where there is concern.

6.0 Designated Senior Person/Safeguarding Manager

- 6.1 The Head Teacher is the Designated Senior Person (DSP) and a deputy will be appointed as soon as possible. The Head Teacher shall advise the Governing Body and all members of staff of the name of the School's DSP and DDSP when available, and inform them of any changes.
- 6.2 The Head Teacher shall also ensure that all staff and Governors are aware that the DSP's responsibilities include:
 - i Ensuring that effective communication and liaison takes place between the School, Shropshire Social Services and any other relevant agencies, where there is a child protection concern in relation to an School student;
 - ii Ensuring that all staff have an understanding of child abuse, neglect and its main indicators;
 - iii Advising staff on the School's and their own child safeguarding responsibilities and supporting staff in their child safeguarding role; and
 - iv Have responsibility to ensure that all documentation is up to date and kept in a secure environment.
- 6.3 They should possess skills in recognising and dealing with child welfare concerns. Appropriate training and support will be given. The designated DSP will be the first person to whom education staff report concerns. It is then the responsibility of the designated DSP to discuss the situation with the relevant agencies.
- 6.4 The School will have a Deputy DSP as soon as possible for when the designated DSP is absent.
- 6.5 The DSP is responsible for referring cases of suspected abuse or allegations to the relevant investigating agencies according to the procedures established by their Local Safeguarding Students Board and *Shropshire* Council. They will also initiate appropriate proceedings to address any allegations made against a member of staff.
- 6.6 The DSP will act as a source of advice, support and expertise within the School and be responsible for co-ordinating action regarding referrals by liaising with Social Services and other relevant agencies over cases and allegations of abuse, regarding both students and members of staff.

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- 6.7 The DSP will ensure each member of staff has access to, and is aware of, the School's Child Protection policy and the Safeguarding Policy. This is especially important in respect of staff that are part time or work with more than one School, such as Connexions Personal Advisors, trainee teachers and supply teachers.
- 6.8 The DSP will liaise with the Link Governor (responsible for Safeguarding) to inform him/her of any issues and ongoing investigations and to ensure there is always cover for the role. Appropriate support will be given to the DSP when dealing with difficult cases, either from within the School or other appropriate professional(s).
- 6.9 The DSP will make sure the School's Child Protection Policy is updated and reviewed annually and will work with the designated governor for Child Protection regarding this.
- 6.10 The DSP will ensure parents/carers see copies of the this policy and the Safeguarding and Pupil Welfare Policy in order to alert them to the fact that the School may need to make referrals. (Raising parents' awareness may avoid later conflict if the School does have to take appropriate action to safeguard a child).
- 6.11 Where students leave the School roll, the DSP will ensure their file is transferred to the new School or school as soon as possible (This can be done electronically). If a student leaves and the new School or school is not known, the DfE should be alerted so that these students can be included on the database for lost students.
- 6.12 The DSP will also have an important role in ensuring all staff and volunteers receive appropriate training.

7.0 Training in Safeguarding

- 7.1 All new staff will be made aware of the School's Safeguarding Policy and Procedures during their induction. The document is available to staff in the Staff Handbook and electronically.
- 7.2 All staff working at the School will receive training adequate to familiarise themselves with safeguarding students issues, their responsibilities and the School procedures and policies with refresher training annually.
- 7.3 Staff involved in the recruitment and appointment of staff will have refresher training every 2 years.
- 7.4 The designated person(s) for child protection will undertake specific training with a recognised body e.g. NSPCC or LSCB once every 2 years or sooner as required.
- 7.5 Records will be kept of all staff training, naming individuals and detailing what training they have received and when. These will be kept with the central CRB register. (see below) A Schedule of Training will be kept and included as part of the induction process for new staff.
- 7.6 Every interview panel will contain at least one person who has undertaken the Safer Recruitment Training. This person will ensure that the 'Safeguarding Students and Safer Recruitment in Education (ref: 04217-2006BKT-EN)' guidance is adhered to throughout the recruitment process. The Chair and least one other governor will undertake the training.

8.0 Disclosure and Barring Service (DBS) Checking

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- 8.1 All personnel who come into contact with students regularly in a supervisory capacity, whatever their status, will be DBS checked, including Governors. The Head Teacher will have responsibility for rigorously maintaining the Single Central Register (CSR).
- 8.2 DBS checking will be rigorous and records will be kept of references obtained in the appointment process detailing when they were obtained and who checked them.
- 8.3 The Single Central Register (CSR) will be complete and kept securely in one place. There will be limited access to the register and the people who have access will be named and a record kept of who has seen it and when.
- 8.4 The School will ensure that it makes full and appropriate use of all Government-defined schemes such as the Independent Safeguarding Authority (ISA) registration scheme as they are introduced.

9.0 Reporting Concern

- 9.1 In the event of a member of staff having a child protection concern about a student, they must immediately report that concern to the DSP. The member of staff will be asked by the DSP to document briefly the events which have given rise to the concern.
- 9.2 The School will follow the *Shropshire* Council guidelines for Child Protection, liaising with the Social Services and other agencies, as appropriate. The action taken by the DSP will, therefore, be in line with *Shropshire* guidelines.
- 9.3 The DSP will report back to the member of staff who made the initial report on a 'need to know' basis but informs the member of staff that appropriate action has been taken.

10.0 Record keeping

- 10.1 The DSP is required to manage the keeping of records in relation to matters regarding safeguarding students. These records will be stored securely. Where a person makes an oral statement, a written record will be produced, signed and dated by the author. (See APPENDIX 1)
- 10.2 Staff should be given as much information as necessary in order to help the student concerned. In general, this will mean that, where a student is on the Child Protection register, or where there are concerns about a student, the member of staff chosen by the student to provide support will be kept informed. It may be appropriate in some cases to inform other staff, giving few details but raising general awareness, that there are issues that may affect a student's behaviour and level of achievement at that time.
- 10.3 In the event of a student causing concern transferring to another school, the School will:
 - i Find out the name of the receiving school;
 - ii Contact the relevant member of staff at that school to discuss the transfer;
 - iii Send all information relating to the student to the receiving school;
 - iv Check with the receiving school that the student has actually arrived there on the expected day; and

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- v Inform all of the relevant agencies of the transfer.

11.0 Listening to students

- 11.1 The School recognises the importance of listening to students at all times, particularly when they are distressed, worried or concerned. It is appreciated that at times students may feel stressed and confused. The School shall identify quiet areas and provide the opportunity for students to take respite from the normal day when necessary.
- 11.2 All staff shall be made aware that students who are not known to be the subjects of concern may, however, be experiencing ill treatment, neglect or abuse. This means that staff should be aware of the need for sensitivity when dealing with all students at all times.
- 11.3 The School recognises that students who are distressed through experiences outside the classroom may be less able to achieve their potential. While it is clear that such students need firm boundaries, staff will take into account the student's distress when managing behaviour.
- 11.4 Students in the School will be regularly surveyed regarding their perceptions of how 'safe' they feel when at the School. The data collected from these surveys will be used to inform changes in policies and practice.

12.0 Confidentiality

- 12.1 The right of the student to confidentiality and privacy will be respected and all communications about the case will be kept to a minimum on a 'need to know' basis.
- 12.2 Students should be reassured that their best interests will be maintained. However, staff cannot offer or guarantee confidentiality and should ensure that the student understands that all disclosures made to the adult will be shared with the DSP.
- 12.3 When confidentiality has to be broken, the student should be supported, as appropriate and reassured about the School's 'duty of care'.
- 12.4 The School shares a purpose with parents/carers to educate and keep students safe from harm and to have their welfare promoted. We are committed to working with parents/carers positively, openly and honestly. We ensure that all parents/carers are treated with respect, dignity and courtesy. We respect parents'/carers' rights to privacy and confidentiality and will not share sensitive information unless we have permission or it is necessary to do so in order to protect a student.
- 12.5 The School will share with parents/carers any concerns we may have about their child unless to do so may place a student at risk of harm.

13.0 Monitoring

- 13.1 The School will monitor students whose names are on the Child Protection Register in line with what has been agreed in the child protection plan.

- 13.2 Parents/carers will be made aware of the School's Child Protection Policy and the fact that this may require cases to be referred to the investigative agencies in the interests of the student.

14.0 Guidelines for monitoring

14.1 When?

When there is concern in the School about:

- Marks on the body
- Unusual/different behaviour (including academic functioning)
- Mood changes
- Written work usually in creative writing or work in art can lead to disclosures
- Puzzling statements or stories by a student
- Information from others
- If requested by another agency e.g. following a case conference

14.2 Who?

- Teachers
- Other School staff
- Other staff in regular contact with the student

14.3 What?

- Patterns of attendance
- Changes of mood
- Changes in classroom functioning
- Relationships with peers and adults
- Behaviour
- Statements, comments, stories, 'news', drawings
- General demeanour and appearance
- Parental interest and comments
- Home/family changes
- Medicals
- Response to PE/sport
- Injuries/marks, past and present

15.0 Preventative approaches

- 15.1 Students can be taught, through the curriculum, about the risks of different kinds of child abuse and neglect, equipping them with the skills they need to help them stay safe.

- 15.2 A student safeguarding programme should seek to support the student's development in ways which will foster security, confidence and independence. It should be regarded as central to the well-being of the individual and is, therefore, seen to be an intrinsic part of all aspects of the curriculum. The most appropriate approach is skills-based, set alongside a knowledge component, with an emphasis on helping students to develop the personal and social skills they need to keep themselves safe and to become responsible and independent adults.

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- 15.3 Child safeguarding can be interwoven with many aspects of the existing curriculum, and evidence will be sort through checking Schemes of Work, medium term and lesson plans. It can help students to:
- Promote their understanding of relationships, the interaction between relationships and the key concepts;
 - Increase self-esteem and awareness;
 - Make judgements and solve problems;
 - Be assertive;
 - Recognise, accept and express feelings;
 - Explore the nature of trust;
 - Identify 'okay' adults within personal safety networks;
 - Take decisions and accept responsibility for self and others; and
 - Be self-reliant and independent.
- 15.4 We will encourage students to feel safe and to talk about their feelings. It can:
- Reduce isolation in the emotions they experience;
 - Relieve tension by enabling students to talk and be listened to;
 - Provide an opportunity to develop an appropriate vocabulary, making violence less likely as a way of expressing needs;
 - Allow students to perceive situations more clearly for planning an action or change; and
 - Make students feel protected by a culture which actively promotes a 'listening environment'.
- 15.5 All students need to know what to do in case someone tries to harm them. Knowing that the vast majority of students are abused or harmed by someone they know, teaching students to avoid dangerous situations, to recognise inappropriate touching and comments, can encourage them to trust their own judgement and to feel safer, more aware and confident.

16.0 The role of the Governing Body

- 16.1 The Governing Body will review this policy annually, monitor and evaluate its effectiveness and be satisfied that it is complied with.
- 16.2 They will ensure that the Head Teacher/DSP and DDSP and a nominated Governor for student protection is in place.
- 16.3 Governors will ensure that there are safe and effective recruitment policies and disciplinary procedures in place which adhere to 'Safeguarding Children and Safer Recruitment in Education DfE 2007' and/or 'Keeping children safe in educatioid DfE 2015'.
- 16.4 Governors will recognise the contribution the School can make in helping students keep safe through the teaching of self-protection skills and encouraging responsible attitudes to adult life through the PSHE and Citizenship programmes of study.

17.0 The role of the Head Teacher

17.1 The Head Teacher will:

- Establish procedures for handling cases of suspected abuse (including allegations against staff and volunteers) which are consistent with those agreed by the *Shropshire Council*. These will be accessible to all staff.
- Liaise with the nominated Governor on student protection issues and the implementation of the School policy.
- Take on the role of DSP and appoint Deputy to co-ordinate action within the School and liaise with other agencies on suspected abuse cases.
- Ensure that the DSP and DDSP receive appropriate training and support.
- Ensure that all staff recognise, and are alert to, signs of possible abuse and know what to do if they have any concerns or suspicions.
- Make parents/carers aware of the School's Child Protection Policy.
- Work with local partners such as the Students' Services to create a safe environment for students at the School.

18.0 Monitoring, Evaluation and Review

18.1 The **DSP** will review this policy at least every two years and assess its implementation and effectiveness. A report will be made on an annual basis to the Governing Body on the policy's effectiveness, highlighting any changes. The policy will be promoted and implemented throughout the School.

Approval by the Governing Body and Review Date

This policy has been formally approved and adopted by the Governing Body at a formally convened meeting of the Human Resources Committee with delegated powers

Signed: ----- (Chair of Governing Body)

Date: Autumn Term 2015

Member of staff responsible: Head Teacher

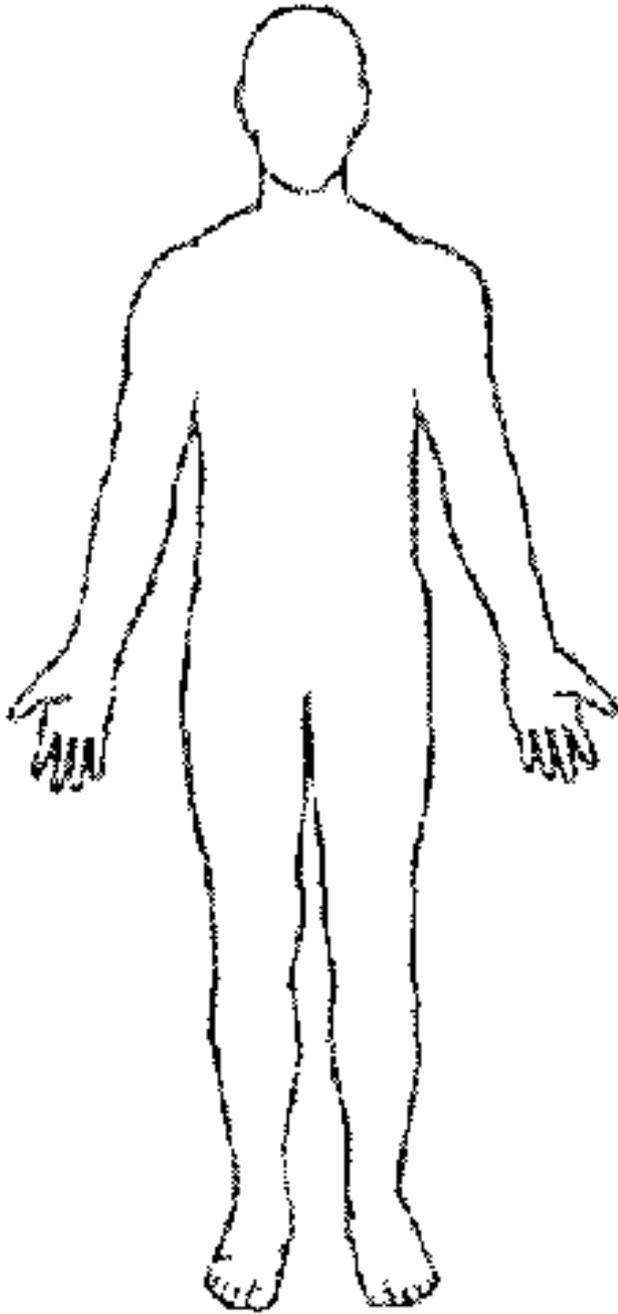
Review Date: Spring 2016

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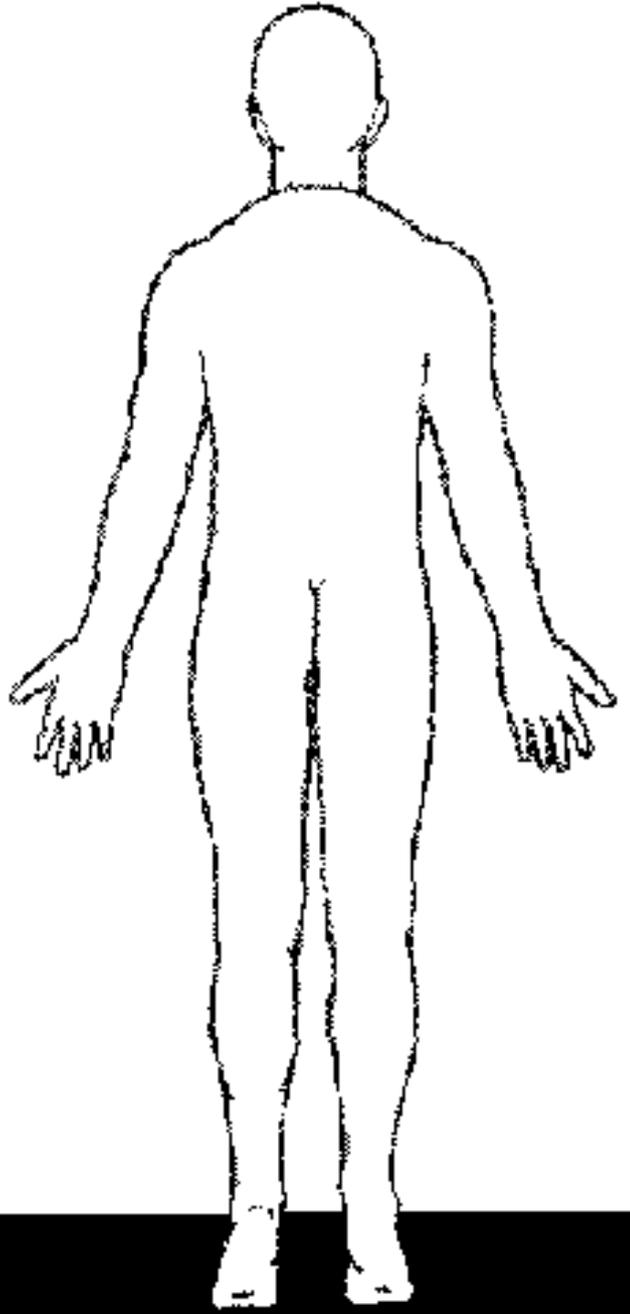
**Appendix 1: Logging a Concern about a Student's Safety and Welfare –
all staff and other School personnel**

Student's Name:		d.o.b.
Date:		Time:
Name: Print	Signature	
Position:		
Note the reason(s) for recording the incident.		
Record the following factually: Use dates and times if known	Who?	
	What?	
	Where?	
	When?	
Offer an opinion where relevant (how and why might this have happened?)		

Substantiate the opinion. Note action taken, including names of anyone to whom your information was passed.



Front



Back

Appendix 2: Auditing Student Safeguarding Files Kept by the School

The DSP will, as good practice, carry out an occasional audit of the School's safeguarding students' files to ensure that adequate records are being kept in an appropriate manner.

The check should cover the following:

- Facing sheet with name, address, d.o.b., family members and name, address and contact number of Social Services (if the student is on the child protection register this should be the key worker).
- Note on student's regular School file
- File cross-referenced with other family members, if appropriate
- Cross reference to additional files, if appropriate
- Records and notes typed or written in legible handwriting
- Incident date (including year!), time, place
- Name, address and d.o.b. of student(s) concerned recorded on each sheet
- Factual outline of incident /concern/allegation/disclosure
- Opinion substantiated, if given
- Clear names, job titles of staff involved
- Signature, printed name, job title of person making record
- Note of action taken, and with whom information was shared
- Note of copy sent to Students' Services Social Care and Education

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FRONT SHEET: STUDENT PROTECTION RECORD

Date file started
Name of student
Any other names by which this student is known, if relevant
Date of birth
Address
Other family members (include full name, relationship e.g. mother, stepfather etc. For U18s, include age, if known)
Are any other child protection files held in School relating to this student or another student closely connected to him or her? YES/NO
If yes, which files are relevant?
Name and contact number of key worker (Social Services), if known
Name and contact number of GP, if known

DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF

Appendix 3.

Statement of Procedures for Dealing with Allegations of Abuse Against Teachers and Other Staff.

Barrow 1618 Free School will follow guidance given by the DfE in October 2012. This guidance is below:

GUIDANCE FOR LOCAL AUTHORITIES, HEAD TEACHERS, SCHOOL STAFF, GOVERNING BODIES AND PROPRIETORS OF INDEPENDENT SCHOOLS.

ABOUT THIS GUIDANCE

1. 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?

2. All schools, 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.

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

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.

- 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

3. 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.

4. 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.

5. 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

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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).

12.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.

13.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.

14.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.

15.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

16.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.

17. 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.

18. Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should 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. (magistrates' court to request that reporting restrictions be lifted).

23. 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'

24. 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. 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.

25. 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

26. 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.

27. 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 re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

28. 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

29. 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

30. 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.

31. 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,

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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

32. 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.

33. 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.

34. 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

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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

42. 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.

43. 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.

44. 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

45. 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

46. 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.

47. 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.

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

49. 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

50. 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

51. 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/s_to_u/stalking_and_harassment/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

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Guidance on how to make a referral to the ISA is at:

<http://www.isa.homeoffice.gov.uk/Default.aspx?page=379>