

# Norwich Steiner School

Hospital Lane, Lakenham, Norwich, NR1 2HW, 01603 611175

## Safeguarding & Child Protection Policy

Revised September 2019

### Overview

*The school aims to protect children from harm and promote their welfare by ensuring that all staff understand their own role within the safeguarding structure, are aware of the signs of abuse and neglect, able to identify concerns, share information and take prompt action, taking into consideration, at all times, what is in the best interests of the child and following the procedures implemented in this policy.*

Safeguarding and promoting the welfare of children (everyone under 18 years old) is defined by the Department for Education (DfE) as 'Protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes'. Safeguarding and promoting the welfare of children is everyone's responsibility, and schools and their staff form part of a wider safeguarding system for children.

Schools have a statutory duty under Section 11 of the Children's Act 2004 and revised guidance (2007) to make arrangements to safeguard and promote the welfare of children. Independent Schools have an equivalent duty through Section 157 of the Education Act (2002) and the Education (Independent School Standards) Regulations 2014 and must have regard to the statutory guidance, Keeping Children Safe in Education, DfE (Sept 2019).

Norwich Steiner School accepts and adheres to the principles outlined in this guidance, which we have used, alongside DfE guidance "What to do if you're worried a child is being abused" (March 2015) and statutory guidance "Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children" (July 2018), to help formulate this policy. The school's safeguarding procedures are consistent with local and national procedures, including inter-agency safeguarding procedures set up by Norfolk Local Safeguarding Children Board (LSCB), which can be found at: [www.norfolkscb.org/](http://www.norfolkscb.org/).

This policy outlines the procedures for identifying and acting on concerns about the children in our care. The school has separate policies covering self-harm, suicidal behavior, preventing radicalisation, anti-bullying, equality, physical handling, safer recruitment, behavior, attendance, mobile phone and device use, internet safety and staff conduct.

A copy of this policy is made available to parents of pupils on the school website and a paper copy is kept in the policy and guidelines folder in the school office and displayed on the school noticeboard, and copies are available on request.

### Structure

The first part of this policy provides details of the designated safeguarding leads (DSLs) and the responsibilities of *all* school staff. Part two details the procedures for dealing with concerns, disclosures and allegations of abuse and covers procedures for children with child protection plans, looked after children and considerations for safeguarding children with special educational needs and disabilities. Part three covers partnerships with parents, notes on confidentiality, physical contact with pupils and information about whistleblowing.

Information about types and indicators of abuse and neglect, significant harm and specific safeguarding issues can be found in Appendix One. Appendix Two lists the roles and responsibilities of the DSLs and Trustees and a list of useful contacts, and the procedure for assessing allegations against staff members is provided in Appendix Three. Two procedural flowcharts are included at the end of the document, which should be used for reference.

## Part One

### Designated Safeguarding Leads

**Jacqui Armour** is the Designated Safeguarding Lead, with **Sarah Brocklehurst** as Alternate Designated Safeguarding Lead. Although in general the DSLs will work together as a team, Jacqui Armour will have overall responsibility. Niki King is Designated Trustee for Child Protection

### Responsibilities of School staff

#### All school staff should:

- Maintain an open attitude of “It could happen here.”
- Always act in the best interest of the child
- Not assume a colleague or another professional will take action, and should share information that might be critical in keeping children safe.
- Provide a safe learning environment (in the upper school this includes keeping pupils safe when accessing the internet)
- Be alert to the signs of abuse and neglect as detailed in this policy
- Report any concerns **immediately**, where possible to one of the designated safeguarding leads.
- Consult with the designated safeguarding lead if in any doubt as to how to proceed
- Follow the advice given in this policy in relation to how to handle disclosures
- Receive training in child protection (updated every year). Staff will also receive regular safeguarding updates at meetings, INSET days or by email.
- Provide information to and participate in inter-agency meetings as required.
- Read and ensure that they understand part one and Annex A of the DfE document Keeping Children Safe in Education (2019).
- Be aware of the Early Help process and their role within it.
- Be aware of their responsibilities under the Prevent Duty.
- Have an awareness of safeguarding issues- some of which are listed in appendix 1. Staff should be aware that behaviours linked to the likes of drug taking, alcohol abuse, truanting and sexting put children in danger, and that safeguarding issues are rarely standalone events, in most cases multiple issues will overlap with each other.
- Be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but not limited to: bullying (including cyberbullying); physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexual violence and sexual harassment; sexting (also known as youth produced sexual imagery); and initiation/hazing type violence and rituals.
- Be aware the ‘upskirting’ is a criminal offence.
- Be aware of indicators which may signal that children are at risk from or are involved with serious violent crime.
- Be aware of the school’s unauthorised absence and children missing from education procedures, and the safeguarding issues surrounding children missing education.
- Ensure that their behaviour and actions do not place pupils or themselves at risk of harm or allegations of harm to a pupil (for example, in one-to-one tuition, sports coaching, conveying a pupil by car, engaging in inappropriate electronic communication with a pupil). See Staff Code of Conduct.
- Be aware of the responsibility to report cases of female genital mutilation.

**Knowing what to look for is vital to the early identification of abuse and neglect.** Appendix One contains guidance on types of abuse and neglect and possible signs. If staff members are unsure they should always speak to a DSL.

## Part Two, Safeguarding and Child Protection Procedure

### What to do if you have concerns about a child

If staff members have any **concerns** about a child (as opposed to a child being in immediate danger) they will need to decide what action to take. Where possible, there should be a conversation with the one of the DSLs immediately, to agree a course of action, although any staff member can make a referral to children's social care (0344 800 8021). Other options could include supporting the child in school, referral to specialist services or **early help** services and should be made in accordance with the referral threshold set by the Local Safeguarding Children Board. If anyone other than the designated safeguarding lead makes a referral they should inform the designated safeguarding lead, as soon as possible. The local authority should make a decision within one working day of a referral being made about what course of action they are taking and should let the referrer know the outcome. Staff should follow up on a referral should that information not be forthcoming.

### If a child is in danger or at risk of harm

**If a child is in immediate danger or is at risk of harm a referral should be made to children's social care (0344 800 8020) immediately and/or the police (999 in an emergency or 111 if a crime may have been committed).** Anyone can make a referral. Where referrals are not made by the designated safeguarding lead the designated safeguarding lead should be informed, as soon as possible, that a referral has been made.

### How to deal with direct disclosures of abuse from pupils

All staff should refer concerns to one of the designated safeguarding leads (DSL) as soon as possible. In the meantime, they should:

- Listen to the pupil, keeping calm and offering reassurance
- Observe bruises but not ask a child to remove or adjust their clothing to observe them
- Allow the child to lead the discussion if a disclosure is made, but not press for details by asking questions, e.g. "what did they do next?"
- Listen — don't investigate or ask leading questions, but use questions such as "is there anything else you'd like to tell me?"
- Accept what the pupil says without challenge — reassure them that they are doing the right thing and that they recognise how hard it is for the child
- Not lay blame or criticise either the child or the perpetrator
- Not promise confidentiality — explain that they have done the right thing and who needs to be told

### Allegations concerning a member of staff

If staff have concerns about another staff member, or an allegation is made against a member of staff, this should be reported immediately to Niki King, Designated Trustees for Child Protection, who will take responsibility for any action necessary. If the allegation is about Niki King then staff should contact the chair of trustees, Ann Swain. Staff may consider an initial discussion with the DSL and who can help with the referral to the trustee.

The designated trustee will immediately follow the procedure outlined in appendix 3, which should be used in all cases in which it is alleged that a member of staff (including volunteers) in the school has:

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

Whilst some behaviours may not constitute a criminal offence, and some may not reach the threshold of Significant Harm, consideration will need to be given as to whether they may indicate unsuitability to work with children. Any such behaviour should be considered within the context of the four categories of abuse i.e. physical, sexual and emotional abuse and neglect.

These include concerns relating to inappropriate relationships between members of staff and children or young people:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual;

- Grooming, i.e. meeting a child under 16 with intent to commit a relevant offence (see Section 16-19 Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/email messages or images, gifts, socialising etc (see Section 15 Sexual Offences Act 2003);
- Possession of indecent photographs/pseudo-photographs of children;
- Qualified/unqualified staff becoming involved in a relationship with an ex pupil under the age of 18, who is no longer at the school;
- Sexual Exploitive behaviour;
- Inappropriate Physical restraint or physical harm to a child.

### Action by the DSL

If, after discussion, concerns remain, the DSL will take **one or more** of the following actions, taking into account the level of risk to the child and the child's wishes and feelings:

- **Speak to or arrange for the pupil to be spoken to** informally by the Class Teacher, or other relevant member of staff, to clarify any incident or disclosure. The role of the interviewing teacher is to be descriptive, not diagnostic or judgmental (see guidelines below). As appropriate the school may use the Fraser Competency checklist to help make an informed decision as to whether or not a child is mature enough to make decisions.
- **Speak to the parents** (or ask the child's teacher to speak to the parents) to assess whether any explanation given about the incident or injury is plausible and consistent with situation causing concern.
- **Monitor the situation**
- **Consider an Early Help referral** If early help is appropriate the DSL will generally take the lead and will support the staff member in liaising with other agencies and setting up an inter-agency assessment as appropriate. If early help and or other support is appropriate the case will be kept under constant review and consideration given to a referral to children's social care if the child's situation doesn't appear to be improving.
- **Make a referral to Children's Advice and Duty Service (CADS)** on 0344 800 8021 if there is a concern that a child may be suffering from Significant Harm (see definition in Appendix One). Whilst ordinarily the school will aim to speak to and gain agreement from parents before making a referral, if there is a concern that doing so may put a child at greater risk, then the school may make a referral without first informing the parents. (Note: The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children). Once a referral has been made, further steps taken will depend upon advice given by Children's Social Care.
- **If there is a risk of immediate harm then the police will be called (999). If a crime may have been committed the police will be called on 111.**

### Information Sharing

Early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. Whilst the Data Protection Act 1998 and the General Data Protection Regulations (2018) place duties on organisations and individuals to process personal information fairly and lawfully, it is not a barrier to sharing information where the failure to do so would result in a child being placed at risk of harm. Fears about sharing information **cannot** be allowed to stand in the way of the need to promote the welfare and protect the safety of children. When sharing information with other agencies the school will follow the guidance in Information Sharing- Advice for practitioners providing safeguarding services to children, young people, parents and carers, (DfE 2015).

### Monitoring, Recording and Reporting

Records will be kept of all concerns raised, disclosures made, conversations and decisions; all information recorded or gathered will be kept in a confidential DSL file. Notes will be taken on any phone conversations with Children's Advice and Duty Service (CADS) in which the school is providing information or seeking advice.

School policy is that notes should be made at the time of the incident or immediately afterwards. Records may be used in legal proceedings and must be kept accurate and secure. All records should be copied to

the designated safeguarding lead and should include factual information rather than assumption or interpretation. The child's own language should be used to quote rather than a translation. Records may be used at a later date to support a referral to an external agency.

### **Children who have a Child Protection Plan in place**

Particular attention will be paid to the attendance and development of any child who has been identified as being at risk or who has been placed on any Child Welfare or Protection Plan.

#### **Children Services will be notified immediately if:**

- The School or Kindergarten should have to exclude such a child;
- There is any *unexplained* absence of such a child of more than two days' duration, or one following a weekend;
- The child changes school and transfer the appropriate records to the receiving school.

Where children have Child Protection Plans and leave one school for another, the DSL must inform the receiving school and the key worker. If the child leaves the school with no receiving school, details should be passed to Children's Social Care.

### **Looked after children**

The most common reason for children becoming looked after is as a result of abuse and/or neglect. A previously looked after child potentially remains vulnerable, and all staff should have the skills, knowledge and understanding to keep previously looked after children safe. Appropriate staff should have the information they need in relation to a child's looked after legal status (whether they are looked after under voluntary arrangements with consent of parents or on an interim or full care order) and contact arrangements with birth parents or those with parental responsibility as well as information about care arrangements and levels of responsibility of the local authority. The designated safeguarding lead should also have details of the child's social worker and virtual school head. The DSL should also have details of the local authority Personal Advisor appointed to guide and support care leavers, and should liaise with them as necessary regarding any issues of concern affecting the care leaver.

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

Children with special educational needs and disabilities (SEND) can face additional safeguarding challenges, and additional barriers can exist when recognising abuse and neglect in this group of children. This can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- children with SEND can be disproportionately impacted by things like bullying- without outwardly showing any signs; and communication barriers and difficulties in overcoming these barriers.

## **Part Three**

### **Partnerships with Parents**

The need for parents and children to have privacy is respected by the school. Equally the school acknowledges and respects that families from different backgrounds and cultures may have different approaches to child-rearing. When staff have concerns about a child, where possible they will work with and share information with parents. Permission for liaison and information sharing with outside agencies will be sought unless it is believed to place the child at risk. In these cases, the school will seek advice from social care or make a child protection referral.

Sometimes, sharing our concerns with parents will not be easy for us to say or for parents to receive. However, we will do our best to talk to parents about difficult issues in an open, non-judgemental and timely way, because we understand that doing so is likely to have the best outcome for the child.

**If we have a concern about how a parent or carer presents themselves when collecting a child from school** and if we think they might not be fit to take responsibility for that child, then we may refuse to hand the child over. Such circumstances may include if we have concerns that the parent/carer is under the influence of drugs or alcohol. In such situations, we will ask the parent/carer if there is another responsible adult who could be called to make sure they and the child get home safely and that the child is adequately cared for once at home. Alternatively, we may call another adult on the child's emergency contact list and ask them to come and collect the child instead.

## **Confidentiality**

Education staff have a professional responsibility to share relevant information about the protection of children with the investigative agencies. Members of staff should not promise confidentiality but can let the child know that only those who need to know will be informed and always for the child's own sake. Time should be taken to reassure the child and confirm that information given will be treated sensitively.

Staff should be careful in subsequent discussions and ensure that information is only given to the appropriate person. All staff should be kept aware of issues relating to confidentiality and the status of information they may hold. Members of staff, other than the designated member and those involved closely, should only have enough details in order to help them to act sensitively and appropriately to a pupil. Discretion should be used when talking about the personal and changing circumstances of children, e.g. when a child goes into care. Sensitive information regarding safeguarding and for children on the child protection register is kept separately to the pupil's main file.

When children leave the school any safeguarding files will be transferred securely to the receiving school or to the LA's Children Missing Education department, in accordance with Norfolk LSCB transfer policy. [The DSL](#) will consider sharing other information that would help the receiving school support the child's welfare.

## **Touch And Physical Contact with Pupils**

School staff recognise the value that appropriate touch has for the children in our care and we will provide physical comfort or consolation to a child who expresses a need for such. Some parts of the curriculum also require physical support and guidance, such as the physical education curriculum and some aspects of the arts curriculum. Touch in these circumstances is informed by guidance from the school's Physical Handling and Use of Reasonable Force policy. We will not touch a child in a potentially sexually sensitive area unless the child has incurred injury that necessitates immediate medical attention and contact in that way. In such circumstances, we will, as adults, make every effort to ensure that another adult as witness is present in order to protect ourselves and the child. We will not touch a child who in any way expresses that they do not wish to be touched, unless in the extreme case of needing to restrain a child who is in danger to themselves or others.

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

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's safeguarding procedures. The school has a whistleblowing policy that may be used if they have such concerns. Where a staff member feels unable to raise concerns within the school, or that their genuine concerns are not being taken seriously, other whistleblowing channels may be open to them. Staff can call the NSPCC whistleblowing helpline on 0800 028 0285 for advice.

## **APPENDIX 1**

### **Types of abuse and neglect**

**All school 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 another child or children.

**Physical abuse:** a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

**Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being

imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

**Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

**Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## **Recognising abuse**

Child abuse is a term used to describe ways in which someone, often in a position of power, harms children. It is not the responsibility of school staff to decide whether child abuse is occurring but we are required to act on any concerns and report them to the appropriate party. The health, safety and protection of a child are paramount. Abuse might fall into the categories of physical, emotional, sexual or neglect.

## **Significant harm**

There are no absolute criteria on which to rely on when judging what constitutes significant harm. Consideration of the severity of ill treatment may include the degree and extent of physical harm, the duration and frequency of harm and neglect. Sometimes a single traumatic event may constitute significant harm e.g. physical injury. More often significant harm is a compilation of significant events, both acute and long standing, which interrupt, change, or damage the child's physical and psychological development. Some children live in family and social circumstances where their health and development are neglected. For them, it is the corrosiveness of long-term emotional, physical or sexual harm that causes impairment to the extent of constituting significant harm.

## **Sources of information about a child being abused may come from:**

- Direct disclosure from the child or young person
- Third party reports
- Perpetrator themselves
- Observations by members of staff

## **Signs and Indicators of Abuse & Significant Harm**

The following list is not exhaustive, but may include the following:

- Sudden changes in the child's usual mood or presentation
- Flinching and watchfulness
- Emotional withdrawal and depression
- Excessive masturbation and failing to respond to boundaries on sexual behaviour
- Fear of certain people or situations
- Unexplained injuries or those that are inconsistent with the explanations given
- Self-destructive tendencies
- Patterns of absence that are unexplained and could be in order to hide injuries
- Physical injury to areas of the body, which are not usually considered to be common sites of accidental injury

- 'Failure to thrive' (e.g. looks thin, unwell, below average height and weight)
- Poor personal hygiene
- Reluctant to go home
- Poor social relationships
- Going missing from school

### **Specific safeguarding issues**

See Annex A of Keeping Children Safe in Education for further details and sources of guidance and support.

- bullying including cyberbullying
- children missing education
- child missing from home or care
- child sexual exploitation (CSE)
- child criminal exploitation (County Lines)
- domestic violence and abuse
- drugs
- fabricated or induced illness
- faith abuse
- female genital mutilation (FGM)
- forced marriage
- gangs and youth violence
- gender-based violence/violence against women and girls (VAWG)
- hate
- homelessness
- 'honour based violence'
- mental health
- missing children and adults strategy private fostering
- peer on peer abuse
- preventing radicalisation and extremism
- relationship abuse
- serious violence
- sexting
- sexual harassment
- trafficking
- upskirting

#### **Peer on peer abuse**

When abuse by another child is suspected, safeguarding procedures will be applied to both (alleged) abuser and abused. If appropriate, the school's disciplinary procedures will be invoked, or the police informed. Peer on peer abuse can manifest itself in many ways, including sexting and may include girls being sexually touched/assaulted or boys being subject to initiation/hazing type violence. Abuse is abuse and will never be tolerated or passed off as "banter" or "part of growing up".

'**Upskirting**', which typically involves taking a photograph under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification or to cause the victim humiliation, distress or alarm, is a criminal offence.

Victims of peer abuse may be offered pastoral support or referred to specialist services. We aim to safeguard children from peer-on peer abuse in the school through our curriculum and implementation of our behaviour, internet safety, sexting and bullying policies, PSHE lessons and pastoral care. Being a small school with small class sizes and the with the in-depth knowledge of the pupils that staff have we are able to closely monitor behaviour and wellbeing, including at break times, which are supervised by teaching staff.

#### **Contextual Safeguarding**

All staff, especially the DSLs, should consider the context within which incidents between children occur, and be aware that they can occur outside of school. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare. Children's social care

assessments should consider such factors so it is important that schools and colleges provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and the full context of any abuse. Additional information regarding contextual safeguarding is available here: <https://contextualsafeguarding.org.uk/about/what-is-contextual-safeguarding>

### **Domestic Abuse- Operation Encompass**

We are working in partnership with Norfolk Constabulary and Norfolk Children's Services to identify and provide appropriate support to pupils who have experienced domestic violence in their household; this scheme is called Operation Encompass. In order to achieve this, Norfolk Children's Advice and Duty Service will share police information of all domestic incidents where one of our pupils has been present with the Designated Safeguarding Lead(s). On receipt of any information, the Designated Safeguarding Lead will decide on the appropriate support the child requires, this could be silent or overt. All information sharing and resulting actions will be undertaken in accordance with the '*Norfolk Joint Agency Protocol for Domestic Abuse – Notifications to Schools*'. We will record this information and store this information in accordance with the record keeping procedures outlined in this policy.

### **Serious Violence**

All staff should be aware of indicators which may signal that children are at risk from or are involved with serious violent crime, which may include increased absence, changes to friendships, relationships with older individuals or groups, significant decline in performance, signs of self harm, significant change in wellbeing, signs of assault, or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by or are involved with individuals associated with criminal networks or gangs. All staff should be aware of the associated risks and understand the measures in place to measure these. Advice for schools and colleges is provided in the Home Office's Preventing youth violence and gang involvement and its criminal exploitation of children and vulnerable adults: county lines guidance (2017).

### **Responding to reports of sexual violence and sexual harassment**

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Responses will be made on a case-by-case basis, with a DSL taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required. We will refer to Part 5 of Keeping Children Safe in Education (Sept 2019) and The DfE advice on Sexual Violence and Sexual Harassment Between Children in Schools and Colleges (May 2018) and follow the school's safeguarding policy and procedure for dealing with these incidents.

### **Female Genital Mutilation**

Whilst all staff should speak to a DSL with regard to any concerns about female genital mutilation (FGM), there is a specific legal duty on teachers. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the teacher must report this to the police. For details see Annex A of Keeping Children Safe in Education, 2019.

Expert and professional organisations are best placed to provide up-to-date guidance and practical support on specific safeguarding issues. For example information for schools can be found on the MindEd and the NSPCC websites. Government guidance can be accessed as required on the issues listed above via GOV.UK and other government websites.

## **Appendix 2**

### **Responsibilities of the Designated Safeguarding Leads**

The role of the school's Designated Safeguarding Leads for Safeguarding children is to:

- Be trained in safeguarding, child protection and inter-agency working. This training will be updated every two years, and the DSLs will be continue to update their professional knowledge in addition to this formal training;
- Co-ordinate action within the school and liaise with children's social care and other agencies over cases of abuse and suspected abuse, and participate in social care meetings as required;
- Make child protection referrals, recording and reporting accordingly;

- Understand and support the school with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation;
- Refer cases to the Channel programme where there is a radicalisation concern as required;
- 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;
- Be alert to the specific needs of children in need, those with special educational needs and young carers;
- Refer cases where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service as required refer cases where a crime may have been committed to the Police as required;
- Act as a source of advice within the school;
- Provide appropriate support and feedback to members of staff as and when necessary;
- Ensure each member of staff has access to and understands the school's or college's child protection policy and procedures;
- Organise staff training on child protection within school;
- Ensure that appropriate strategies for recording and reporting incidents are kept within school;
- Ensure child protection files are copied and transferred (separately from main file) to new school when a child leaves the school;
- Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the school may put in place to protect them;
- Raise awareness of safeguarding in the school by ensuring the school or college's child protection policies are known, understood and used appropriately;
- Ensure the school's child protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly and are available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the school in this;
- Link with the local LSCB to make sure staff are aware of training opportunities and the latest local policies on safeguarding.

## Responsibilities of the trustees

Also in support of the DSLs, the designated trustee (on behalf of the board of trustees) has the role to ensure:

- That the Designated Safeguarding Leads have sufficient time and support to carry out their child protection duties and to offer support to be the direct contact with Social Services if for any reason the members of staff are unable to fulfill the role.
- That the school effectively monitors children who have been identified as being at risk.
- That there is an adequate and appropriate reporting system within the school, which respects confidentiality but that allows for patterns of incidents to be identified.
- That the designated trustee takes charge (with support from the DSLs) in the event of allegations against a member of staff.
- That the child protection policies and procedures and their efficiency are reviewed annually, and that related duties have been carried out.

## Useful Contacts:

- For referral and advice about concerns: Children's Advice and Duty Service (CADS) (MASH, Early Help, Family Focus) 0344 8008021
- Jacqui Armour – Designated Safeguarding Lead 01603 611175
- Sarah Brocklehurst – Alternate Designated Safeguarding Lead 01603 611175
- Niki King- Designated Trustee for Child protection 07850 268217
- Ann Swain – Chair of trustees 07887752747
- Dept. Children, Schools and Families 0870 0012345
- Norfolk County Council Children's Social Care Dept. 01603 223473
- Local Authority Designated Officer Team (designated officer) LADO@norfolk.gov.uk

***For allegations against a member of staff (01603 223473, but email initially)***

(This number is available 24 hours a day; between 08.00am to 06.00pm the call will be passed to the Access Team, outside those hours the call will go to the Duty Team.)

- Norfolk Constabulary (Police) 01953 424242 / 0845 4564567
- Norfolk Local Safeguarding Children Board <http://www.norfolkscb.org>
- Ofsted Early Years 08456 404040
- Or in writing to: OfSTED, Piccadilly Gate, Store Street, Manchester, M1 2WD

## Appendix Three

### Assessing an Allegation of Abuse against Teachers and Other staff

This guidance is about managing cases of allegations that might indicate a person would pose a risk of harm (The harm test is explained on the Disclosure and Barring service website on GOV.UK) if they continue to work in regular or close contact with children in their present position, or in any capacity.

### Procedure to be followed in the event of an allegation being made

1. Contact with the LADO needs to be made **before** any contact is made either with the person subject to the allegation or the child and parent/carer. This is to ensure that the correct action is taken which will not impede the disciplinary or investigative processes.

The designated trustee should notify the Local Authority Designated Officer (LADO) within one working day by completing the LADO referral form from the NSCB website or fill in a **consultation form for advice** if the behaviour being reported meets the LADO criteria or they are unsure. The form should be emailed to [LADO@norfolk.gov.uk](mailto:LADO@norfolk.gov.uk) where it will be read and responded to by the duty LADO. *(Please note that whilst Working Together to Safeguard Children 2018 now refer to LADO's as Designated Officers In Norfolk the title of LADO remained in use.)*

Reference should be made to protocol 8.3 <https://www.norfolkscb.org/about/policies-procedures/8-3-allegations-against-persons-who-work-with-children/>

There may be situations when the Designated Trustee will want to involve Children's Social Care or 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 Designated Trustee will discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

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

2. The Designated Trustee will inform the accused person about the allegation as soon as possible **after** consulting the LADO. The Designated Trustee will also be in communication with the School's legal advisor (Employment solicitor) to ensure best practice with regards to the employee. The Designated Trustee will provide the member of staff 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 Designated Trustee will not inform the accused person until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Relevant representatives from the school (including the designated trustee/Designated Trustee, the DSLs and where necessary, other trustees) will 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 will be considered prior to taking that step. (Please see further information on suspension below).

3. If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened according to the government document; '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 are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.

4. 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 Designated Trustee. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. The school will also take legal advice from its own employment solicitor at this stage. Suspension should not be the default position: an individual will be suspended only if there is no reasonable alternative.

5. In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the Designated Trustee how and by whom the investigation will be undertaken.

6. However, in other circumstances, such as lack of appropriate resource within the school, or the nature or complexity of the allegation will require an independent investigator, who may be appointed by the school or bought in from the local authority.

### **Supporting those involved**

1. The school has a duty of care to its employees and it will act to manage and minimise the stress inherent in the allegations process. Throughout the process, the school will consult its employment solicitor for advice to ensure best practice is followed. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the Children's Social Care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support.

2. The Designated Trustee will either appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case or will do so themselves. The Designated Trustee will also consider what other support might be appropriate for the individual. If a decision is taken to suspend an employee, the school will ensure that the member of staff is kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

3. Parents or carers of a child or children involved will 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 Designated Trustee will 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.

4. Where possible, parents and carers will also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002.

5. 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, will consider what support the child or children involved may need.

### **Confidentiality**

When an allegation is made, the school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. This is in line with the Education Act 2011, which introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. These provisions commenced on 1 October 2012.

The Designated Trustee will take advice from the LADO, police and children's social care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What, if any information can be reasonably given to the wider community to reduce speculation;
- 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, the school is still obliged to follow up any allegation made according to the policy outlined above.

Every effort will be 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 person will be given a full opportunity to answer the allegation and make representations about it. However, the school is required to continue 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, even if that cannot be done or the accused does not cooperate.

The school is unable to enter 'compromise agreements', with any employee against which there are allegations. This means there can be no arrangement whereby a person agrees to resign if the employer agrees not to pursue disciplinary action; nor can parties agree a form of words to be used in any future reference. Where circumstances require, the school is also required to make a referral to the Disclosure and Barring Service (DBS).

### **Record keeping**

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, the school is required to keep 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, on the confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to 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 will 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.

### **Timescales**

All allegations will be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases may depend on a variety of factors including the nature, seriousness and complexity of the allegation. However, the school will endeavour to meet DfE suggested targets: 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 instigate 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.

### **Suspension**

Suspension will not be an automatic response when an allegation is reported; all options to avoid suspension will be considered prior to taking that step.

Suspension will be considered in a case where there is cause to suspect a child or other children at the school is/are at risk of significant harm or the case is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically: the Designated Trustee will consider carefully whether the circumstances warrant suspension from contact with children at the school until the allegation is resolved, and will seek advice from the schools employment solicitor and the LADO in order to come to a decision.

The Designated Trustee will also consider whether alternative arrangements would be more appropriate. 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 Designated Trustee should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives may be considered by the Designated Trustee before suspending a member of staff:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- Providing an assistant to be present when the individual has contact with children;

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by the Designated Trustee and in consultation with the LADO. This will 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 will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension.

The person will be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

### **Important Definitions**

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

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

### **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 designated officer(s) should discuss with the Designated Trustee and their personnel adviser whether the school or college will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

The school is legally required to make a referral to the DBS where it thinks 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. Failure to refer when the criteria are met is a criminal offence. In such circumstances, the duty to refer an individual to the DBS 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 school is required to make referrals 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.

The DBS will consider whether to bar the person from working in regulated activity, which will include most work in schools and other educational establishments.

The school is required to refer cases of professional misconduct to the relevant regulatory body DfE.

If the allegation against a staff member involves a Kindergarten (Early Years) child, then the Designated Trustee must contact OfSTED. The Designated Trustee should record their discussion with OfSTED, including the name of the person spoken to. OfSTED must also be informed in writing. See contact details in Appendix 4. In the event of an allegation involving kindergarten child who is 6 years old, the school will contact both OfSTED and the DfE.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Designated Trustee will consider how best to facilitate that, and how to provide appropriate help and support after a stressful experience. A phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The Designated Trustee will also consider, in consultation with the DSLs 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.

**Action in respect of unsubstantiated 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 Designated Trustee in consultation with the class teachers 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.

This policy will be reviewed and updated by the Lead DSL; annually, each time it is used and when new statutory guidance is issued.

Signed by designated Trustee for Safeguarding

Date: