



## ONLINE SAFEGUARDING POLICY

Anil Sarna                      DESIGNATED  
   SAFEGUARDING              Tel 07821189297  
   OFFICER (DSO)

### INTRODUCTION

The Learning Circle provides a service to children and young people and these procedures have been designed to ensure the welfare and protection of any child or young person who accesses the services we provide.

The Learning Circle is committed to putting in place safeguards and measures to reduce the likelihood of abuse taking place and to ensure all those involved will be treated with dignity and respect.

This policy is closely based on Ofsted's current guidance. Ofsted's guidance is incorporated into our policy in the interests of safeguarding.

Our policy and procedures are in accordance with locally agreed inter-agency procedures. This policy helps staff to recognise and be alert to signs of abuse and advises them on what to do if they have concerns about a student's welfare. It explains how any instances of suspected child abuse are dealt with by the school. This policy also explains the procedures for dealing with allegations of abuse made against members of staff or volunteers, and allegations against the Lead teacher. There are clear procedures for making a referral or notification and for the keeping of records. The Lead teacher undertakes an annual review of the school's safeguarding policies and procedures.

Our aim is to establish an ethos in which the safeguarding and welfare of our students is paramount. Students must feel safe in school at all times.

This Policy will be reviewed on an annual basis by the Staff and DSOs or as and when required throughout the year.

All staff, volunteers and directors will be provided with information regarding the school's safeguarding policies and procedures during their induction period. These will be available in

writing. Staff will be provided with opportunity to discuss Safeguarding issues during their supervision and appraisal as well as at weekly staff meetings.

It may be appropriate to involve the students at The Learning Circle in the review and parents/carers need to be informed of any significant changes. In relation to parents/carers, the school will ensure that their attention is drawn to any changes on the school's website. The Lead teacher will ensure that the school's Safeguarding Children and Young People Policy is reviewed and updated accordingly and that an up to date policy is available for parents/carers and others on the school's website.

The DSO will ensure that any changes are clearly communicated to staff, volunteers and the children/young people themselves.

We follow Ofsted's guidance regarding staff training requirements, as follows. The DSO must undertake training to a standard set by the Local Safeguarding Children Board, which includes extended training in relation to working with multiple agencies.

Training must be refreshed at two-yearly intervals. The Lead teacher and all permanent staff who have direct contact with students must undertake training, with refresher training at three-yearly intervals.

The Lead teacher must undertake an annual review of the school's policies and procedures relating to safeguarding students.

Our staff will be required to complete a minimum of level 2 Safeguarding training and an annual refresher course. This is in addition to other in-house safeguarding training undertaken throughout the year. Key staff will complete level 3 (with bi-annual refresher courses) as well as Safer Recruitment Training.

As part of The Learning Circle's safer recruitment process, all current guidelines are followed in accordance with 'Keeping Children Safe in Education' (DFE-00129-2015), DfE, 2015).

Interview panels for staff will consist of at least two people, one of whom must have undertaken Safer Recruitment training. All of the required safeguarding checks will be carried out on new recruits, including in relation to their identity and qualifications. Professional and character references will be obtained. Appropriate checks will also be carried out through the Disclosure and Barring Service (DBS). Ofsted's guidance in relation to the Single Central Register (SCR) will be fully followed.

## **2.THE DESIGNATED SAFEGUARDING OFFICER**

The Lead teacher in charge of centre management, ANIL SARNA, is the DSO at The Learning Circle and is responsible for dealing with any Safeguarding concerns.

The roles and responsibilities of the DSO are:

- To ensure all new members of staff have read and signed a copy of the Code of Conduct and Safeguarding Policy.

To ensure that all staff are aware that safeguarding incidents could occur anywhere and they should be alert to possible concerns being raised in the school at any time.

- To ensure that all staff, volunteers and directors are aware of what they should do and who they should go to if they have concerns that someone may be experiencing, or has experienced abuse or neglect.

To ensure staff are aware that they may raise concerns directly to the LADO rather than the Lead teacher or directly with MAST (In Calderdale preferably with MAST first, see contact details page)

- To ensure that concerns are acted on, clearly recorded and referred to the relevant Social Care.

- To follow up any referrals and make decisions on how to ensure the issues have been addressed.

- To reinforce the utmost need for confidentiality and to ensure that staff and volunteers are adhering to good practice with regard to confidentiality and security.

- To ensure that access to records by anyone other than the DESIGNATED SAFEGUARDING OFFICER will be restricted to the absolute minimum and a record will be kept of who has access and when.

- To ensure that staff and volunteers working directly with service users who have experienced abuse, or who are experiencing abuse, are well supported and receive appropriate supervision.

- Not to disclose to a parent / carer any information held on a child if this would put the child at risk.

- To ensure that any child who moves to a new school, their child protection records are forwarded onto the Designated Safeguard Lead at the new school in line with current Government guidance on their transfer and all due respect to the confidential nature of the information. If sent by post, they should be sent by signature post and a record of the pupil records transferred when and to whom kept for audit purposes. A receipt must be requested and received

- If a student is permanently excluded and moves to a Pupil Referral Unit, child protection records are forwarded on using similar techniques as above.

- When a vulnerable young person is moving to Further Education, consideration should be given to the student's wishes with regards to their child protection information being transferred.

- When a DESIGNATED SAFEGUARDING OFFICER leaves their position there should be a face to face handover of information with their successor and a record of this meeting must be kept. If this is not possible for whatever reason, the Lead teacher will ensure the new post holder is correctly inducted into the position.

- To co-operate with safeguarding investigations carried out under The Learning Circle's Safeguarding Procedure.
- To ensure that disciplinary procedures are co-ordinated with any other enquiries taking place as part of the ongoing management of any allegation.
- To make themselves available to any member of staff who wishes to talk through any anxieties they may have and seek further support.

Responsibilities.

Name	Specific Responsibility
Anil Sarna	Safeguarding Lead
New staff	Awareness of CP policy
Temporary staff and occasional volunteers	Awareness of CP policy

Induction of new staff

The induction training of all new staff, including temporary staff and volunteers, includes:

- The Learning Circle Safeguarding Policy and Procedures
- The Learning Circle Staff Code of Conduct
- The identity of the Safeguarding Officer and other members of the safeguarding team
- A copy of Keeping Children Safe in Education part one.

Because of the very small size of The Learning Circle and the close, informal relationships between the staff and students, we are well placed to notice and support children who are in need of help. Implicit in the ethos of The Learning Circle is a strong emphasis on giving everyone in the school the support they need. The tutorial system, school council, staff meetings and the whole school meeting all act as formal support structures. In addition to these the informal support the staff give, both in and out of their lessons has a significant beneficial effect on the well-being of our students.

As staff we are daily expected to deal with low-level pastoral problems and we try to explore these deeply enough to be able to effect a change in the causes of the behaviour, rather than just suppressing the behaviour itself.

Supporting the other staff

The staff have a good informal support structure among themselves, but when children tell them in confidence something that causes them concern, they can discuss this with the Safeguarding Officer. Most of the time such conversations are informal and just involve advice about how best to support the child. In the rare cases where further action must be taken to protect a child it is the Safeguarding Officer's responsibility to make sure that action is taken.

If a member of staff has a concern, he or she should normally explain to the child that this will be discussed with the Safeguarding Officer. If she or he chooses not to do this they must have good reasons for it, as breaking a confidence can be harmful to the child.

## 2.1 The Learning Circle will:

- Communicate to all workers their legal and moral responsibility to protect children and young people from harm, abuse and exploitation.
- Communicate to all workers their responsibility to work to the standards that are detailed in Keeping Children Safe in Education 2015 and the need to work at all times towards maintaining high standards of practice in protection of children and young people.
- Ensure that all workers have undertaken basic child protection training and a record kept.
- The DESIGNATED SAFEGUARDING OFFICER will confirm with individual workers their duty to report concerns that arise about a child or young person, or a worker's conduct towards a child/young person, to the school's DESIGNATED SAFEGUARDING OFFICER for child protection.
- Ensure that the DESIGNATED SAFEGUARDING OFFICER has undertaken basic training and that they understand their responsibility to refer any child/young person protection concerns to the statutory child protection agencies (i.e. Police and/or Children's Social Care/LADO).
- Ensure that any procedures relating to the conduct of workers are implemented in a consistent and equitable manner.
- Provide opportunities for all workers to further develop their skills and knowledge particularly in relation to the welfare and protection of children and young people.
- Facilitate opportunities for children and young people to express their ideas and views on a wide range of issues in connection with the service they are provided with and to have access to the school's Complaints Procedure.
- Facilitate involvement of parents or carers in the work of the school and make child/young people protection policies and procedures available to them.
- Endeavour to keep up to date with national developments relating to the welfare and protection of children and young people.
- These procedures have been designed to ensure that the welfare and protection of any child and/or young person who accesses the services provided by The Learning Circle.
- The procedures recognise that child/young person protection can be a difficult subject to deal with, to the extent that it is sometimes easier to close your eyes to what is happening or believe that it is somebody else's problem to deal with.
- The Learning Circle is committed to the belief that protecting children and young people is everybody's responsibility and therefore the aim here is to provide guidelines that will enable all workers and volunteers to act appropriately to any concerns that arise in respect of a child/young person.

## 2.2 Further Reading

To ensure these procedures are cross referenced with and should be read in conjunction with the following policies and procedures: See Appendix 7, Bibliography

- Keeping Children Safe in Education July 2015 Part 1

- Multi Agency Practice Guidelines
- Information Sharing Advice
- Working Together to Safeguard Children
- Prevent Strategy
- Childcare Disqualification Regulations
- What to do if you are worried a child is being abused
- Staff recruitment
- Confidentiality (Handbook)
- Health and Safety
- Disciplinary and Grievance (Handbook)
- Whistleblowing
- Complaints
- Equality and Diversity (Handbook)
- Data Protection
- Bullying
- Managing Physical Interventions
- Code of Conduct
- E-Safety
- Risk Assessment

### 3. Teaching Students about Staying Safe including e- safety and Informing Parents/Carers and Others about our Practices

The safety of the students both on site and outside of the school are of a great importance and we understand that the behaviour of the staff and students can affect the overall safety levels of the school.

The Learning Circle aims to make the school a safe and secure place for the students to be and we do this using various methods in addition to our Safer Recruitment systems and practices such as checking details of visitors to the school, risk assessments for various reasons, analysing incidents and student attendance so that any issues can be identified and managed quickly.

We want the students to feel safe in school and feel they can trust the staff working there and feel good about learning. At the same time the school must employ a strict system of managing behaviour so that students have good manners and healthy attitudes towards learning and life outside of school, work hard, do not truant and respect their education environment and peers.

Therefore, the subjects of safety and good behaviour are interwoven into every aspect of their day. This could include anything from being encouraged to settle quickly at the start of each lesson and being consistently polite, including to visitors.

This would also include specific slots in the timetable teaching students how to stay safe during lessons such as Personal Social and Health Education (PSHE) where they would learn about subjects such as equal opportunities, relationships, how to treat others, emotions, self-awareness, self-esteem, bullying including cyber-bullying and prejudice based bullying. Furthermore, how to try to prevent bullying from occurring in a 'real world' situation. These lessons would also focus on learning the difference between what is safe and what is not as well as what is right and wrong, and how to react appropriately in difficult circumstances.

Students are also heavily encouraged to be safe on-line with E-safety training. Each student is provided with the school's internet agreement including a letter for the student's parents/carers as well as an internet user agreement, and guidance sheet on how to use the internet safely. This policy will be kept in every student's Profile Folder.

Students also have a Student Council where they are able to put their views and requests across to the staff and know that they will be heard as well as school assemblies where life lessons can also be taught and explored further.

#### 4. DBS – Referrals and Disqualification by Association

The Learning Circle is committed to safer recruitment policies and practices for paid staff, volunteers and directors. This includes enhanced DBS checks for all staff and volunteers, ensuring references are taken up and adequate training on Safeguarding is provided for staff and volunteers.

All new recruits will be required to provide two references and will be subject to enhanced DBS checks in accordance with our recruitment and selection policy.

The Learning Circle fully understands that it has a duty to refer details of a member of staff to the DBS who has been disciplined, is dismissed, is currently under investigation or has left the schools employment prior to the end of an investigation for causing emotional, psychological, physical or sexual harm, neglect or risk of harm to children. All referrals will be made to the DBS immediately, without delay.

In relation to the DBS, again, The Learning Circle closely follows all national guidance including guidance from Ofsted and adopts this guidance to the full.

The Learning Circle understands that:

A person who is barred from working with children or vulnerable adults will be breaking the law if they work or volunteer, or try to work or volunteer with those groups.

Any organisation which knowingly employs someone who is barred to work with those groups will also be breaking the law.

If a member of staff or a volunteer because they have harmed a child or young person, or you would have done so if they had not left, you must tell the DBS.

Those students attending The Learning Circle will be encouraged to become involved with the running of the organisation. Information will be made available about abuse and the complaints policy and the Safeguarding Children and Young People policy statement will be available to all. This information will be in a form that can be easily understood. All children and young people at The Learning Circle will be provided with simple and straightforward ways to report their concerns.

All staff, volunteers, directors and children/young people will be provided with training and information to enable them to develop the awareness; skills and abilities appropriate to their role within the organisation and responsibilities regarding Safeguarding.

#### Disqualification 'by association'

School staff are disqualified from working in a school when they 'live or work in the same household' as someone who is barred from working with children or young people, even if they would not otherwise be disqualified.

The 'disqualification by association' criteria date back to the Childcare (Disqualification) Regulations 2009. When the criteria is met, the staff member must inform the Lead teacher and provide her with the relevant details. The school must inform Ofsted within 14 days from the staff member informing the Lead teacher.

#### Waiver of disqualification

The disqualified staff member may apply to Ofsted for a waiver, but they must apply themselves and must not work in the school whilst the waiver is being considered.

#### What The Learning Circle will do:

Ask for this information as part of the pre-employment checks when appointing new staff.

Ask existing staff whether anyone they live with is disqualified from working with children or young people.

Ask staff to complete and sign a declaration that they do not meet the 'disqualification by association' criteria.

When we become aware that a member of staff lives in a household with a disqualified person, we will prevent the person from continuing to work in the school.

The school will inform Ofsted within 14 days from the staff member informing the Lead teacher.

### 6. Looked After Children

The most common reason for children becoming looked after is as a result of abuse and/or neglect and therefore, they are particularly vulnerable. The Learning Circle will ensure that staff have the skills, knowledge and understanding necessary to keeping looked after children safe. In particular, they will ensure that appropriate staff 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.

They will also have information about the child's care arrangements and the levels of authority delegated to the carer by the authority looking after him/her.

The DESIGNATED SAFEGUARDING OFFICER, through the designated teacher for looked after children, should have details of the child's social worker and the name of the virtual school head in the authority that looks after the child. (see Guidance about designated teacher for looked after children website listed under further information).

#### Private Fostering

Private fostering is when a child under the age of 16 (or 18 for a disabled young person) is cared for by an adult who does not have parental responsibility and is not a close family relative\*. The arrangement has to be in place for more than 28 days. (\*Close family relative is defined as a 'grandparent, brother, sister, uncle or aunt' and includes half-siblings and stepparents; it does not include great-aunts or uncles, great grandparents or cousins.)

Most frequently, young people are in private foster care for the following reasons:

children from other countries sent to live in the UK with extended family

host families for language schools

parental ill-health

where parents who have moved away, but the child stays behind (e.g. to stay at the same school to finish exams)

teenagers estranged from their families

The Ofsted report into Private Fostering also refers to trafficked children, children brought from outside the UK with a view to adoption and children at independent boarding schools who do not return home for holidays and are placed with host families

#### The Duty to refer to the Local Authority

Each party involved in the private fostering arrangement has a legal duty to inform the relevant local authority at least six weeks before the arrangement is due to start. Not to do so is a criminal offence.

Once the notification has been made to the authority, Children's Services have a duty to visit and speak to the child, the parent and the foster carer; and everyone in the foster carer's household. Children's services will then undertake a range of suitability checks including DBS checks on everyone in the household over the age of 16.

Other professionals, for example GPs surgeries and schools, also have a duty to report to the local authority where they are aware or suspect that a child is subject to a private fostering arrangement.

Note that although schools have a duty to inform the local authority, there is no duty for anyone, including the private foster carer or social workers to inform the school. However, it should be clear who has parental responsibility.

The term 'Looked After Children' means children who are looked after by the local authority and so excludes privately fostered children as they are outside the care of the local authority. Schools should not therefore code children in private foster care as 'LAC'.

The local authority must visit each privately fostered child at least every six weeks in the first year of the arrangement; and at least every twelve weeks in the second and subsequent year. In some areas, schools are visited as part of this process to discuss the child with teachers.

The private foster carer has a duty to inform the local authority of any substantive changes to the arrangement or within the household.

There is no duty for schools to be given information about a child who is privately fostered by the family, carer or the local authority. There is however a duty on schools to inform children's services where they become aware of such an arrangement.

## 7. Recognising Abuse

The Learning Circle is committed to ensuring all staff and volunteers undertake training to gain a basic awareness of signs and symptoms of abuse as part of their regular Safeguarding training.

Abuse can be divided into the following main categories: Physical, Emotional, Neglect and Acts of Omission, Sexual, Financial, Discriminatory and Institutional. Abuse may be carried out deliberately or unknowingly. Abuse may be a single act or repeated acts. Abuse can include the following specific items:

- Physical abuse: hitting, slapping, punching, burning
- Honour-based violence
- Domestic violence
- Bullying
- Sexual abuse: rape, indecent assault, inappropriate touching
- Sexual Exploitation - Child sexual exploitation is a form of child abuse which involves children and young people, male and female, of a range of ethnic origins and ages, in some cases as young as 10 receiving something in exchange for sexual activity.
- Female genital mutilation
- Forced Marriage (see appendix 4)
- emotional abuse, belittling, name calling,
- financial or material abuse: stealing, selling assets
- neglect and acts of omission, leaving in soiled clothes, failing to feed properly
- discriminatory abuse (including racist, sexist, based on a person's disability and other forms of harassment)

- institutional Abuse: When a person's individual needs are mistreated by poor practices or are sacrificed for the needs of a general group.
- Extremism: when the holding of extreme political or religious views and can lead to radicalism (for example, attempts to make changes to existing social, religious or political structures and terrorism. (see appendix 4)
- Trafficking: dealing or trading illegally, notably Human Trafficking.

See Appendix 1 and 'Keeping Children Safe in Education 2015' for further details on the main types of abuse/safeguarding concerns.

People who behave abusively come from all backgrounds and walks of life. They may be doctors, nurses, social workers, advocates, staff members, volunteers or others in a position of trust. They may also be relatives, friends, neighbours or people who use the same services as the person experiencing abuse.

## 8. STAGES TO FOLLOW IF YOU ARE WORRIED ABOUT A CHILD

The Learning Circle recognises that it has a duty to act on reports or suspicions of abuse promptly to the DSO/children's social care which now also includes FGM (see Appendix 1 – A Focus on Female Genital Mutilation and annex to Ofsted's Inspecting safeguarding in maintained schools and academies.)

We acknowledge that taking action in cases of child abuse is never easy. However, The Learning Circle believes that the safety of the child should override any doubts or hesitations. When worrying changes are observed in a child's or young person's behaviour, physical condition or appearance staff will take the following steps.

### Stage 1

Initially talk to a child/young person about what you are observing. It is helpful to ask questions, for example: "I've noticed that you don't appear yourself today, is everything okay? Never use leading questions.

Listen carefully to what the young person has to say and take it seriously.

Record what was said as soon as possible after any disclosure;

Never investigate or take sole responsibility for a situation where a Child/young person makes a disclosure;

Always explain to children and young people that any information they have given will have to be shared with others;

Notify the school's DESIGNATED SAFEGUARDING OFFICER for Child Protection using a concern form.

The person who receives the allegation or has the concern should complete their statement and ensure it is signed and dated.

Respect confidentiality and file documents securely.

If the child's situation does not appear to be improving, re-consider.

## Stage 2

The DESIGNATED SAFEGUARDING OFFICER(s) will take immediate action if there is a suspicion that a child has been abused or likely to be abused. In this situation the DESIGNATED SAFEGUARDING OFFICER will contact the police and/or the relevant Social Services office.

The DESIGNATED SAFEGUARDING OFFICER can also seek advice and clarity about a situation that is beginning to raise concern via the relevant duty team from the local Social Services or via the NSPCC National Child Protection Helpline on 0808 800 5000.

Please also see Appendix 1 – A focus on Female Genital Mutilation

### How to respond if an act of abuse is suspected

The Learning Circle recognises that it has a duty to act on reports, or suspicions of abuse or neglect. Anyone who has contact with children and/or young people and hears disclosures or allegations or has concerns about potential abuse or neglect has a duty to pass them on appropriately.

If a disclosure is received:

Reassure the person concerned and allow them to talk freely.

Listen to what they are saying without displaying shock or disbelief.

Record what you have been told/witnessed as soon as possible using a concern form

Remain calm and do not show shock or disbelief

Tell the student that the information will be treated seriously

Don't start to investigate or ask detailed or probing questions

Don't promise to keep it a secret

If you witness abuse or abuse has just taken place the priorities will be:

- To call an ambulance if required
- To call the police if a crime has been committed
- To preserve evidence
- To keep yourself, staff and service users safe
- To inform the DESIGNATED SAFEGUARDING OFFICER
- To record what happened

All situations of abuse or alleged abuse will be discussed with the DESIGNATED SAFEGUARDING OFFICER. The alleged victim will be told that this will happen. This stage is called the alert.

The DESIGNATED SAFEGUARDING OFFICER for the school can then take advice.

If it is appropriate and there is consent from the individual, or there is a good reason to override consent, such as risk to others, a referral to Social Care will be made.

If the individual experiencing abuse is not able to understand what is happening to them, a referral will be made without that person's consent.

Sections 8 & 9 of this Safeguarding Policy can be read in conjunction with the DFE's new guidance paper *What to do if you are worried a child is being abused*, March 2015 and *Keeping Children Safe in Education*, July 2015.

#### **10. Managing allegations made against staff, directors or volunteers.**

The Learning Circle will ensure that any allegations made against members or a member of staff will be dealt with quickly and in accordance with the following procedures. All allegations of abuse made against the Lead teacher, other staff or directors should be reported directly to the LADO. In the case of an allegation involving the DESIGNATED SAFEGUARDING OFFICER, alternative arrangements should be sought to ensure that the matter is dealt with by an independent person.

- The DESIGNATED SAFEGUARDING OFFICER should contact Social Services for advice on how to proceed with the immediate situation. Outside of working hours the Emergency Duty Team can give advice and/or in the event of an emergency situation arising, the police should be contacted for discussion.
- The individual who first received/witnessed the concern should make a full written record of what was seen, heard and/or told as soon as possible after observing the incident/receiving the report. It is important that the report is an accurate description. The DESIGNATED SAFEGUARDING OFFICER (if appropriate) can support the worker during this process but must not complete the report for the worker. This report must be made available on request from either the police and/or social services.
- Regardless of whether a police and/or social services investigation follows, the school will ensure that an internal investigation takes place and consideration is given to the operation of disciplinary procedures. This may involve an immediate suspension and/or ultimate dismissal depending on the nature of the incident.
- Where a member of staff/volunteer is thought to have committed a criminal offence the police will be informed. If a crime has been witnessed the police should be contacted immediately.
- The safety of the individual(s) concerned is paramount and it should be ensured that they are safe and away from the person(s) who are the alleged perpetrators.

The following is taken directly from *Keeping Children Safe in Education 2015*:

“Employers...should ensure they provide effective support for anyone facing an allegation...It is essential that any allegation of abuse made...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.

It is in everyone's interest to resolve cases as quickly as possible...with a fair and thorough investigation” ...and... “investigated as a priority to avoid any delay.

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. Schools and colleges have a legal duty to refer...anyone who has harmed, or poses a risk of harm, to a child...to the DBS. Referrals should be made as soon as possible after the resignation or removal of the individual.

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 college.

If an allegation is determined to be unsubstantiated 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 Lead teacher, 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.

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 the school or college will decide to make a referral to the DBS for consideration of inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching. 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 or college'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."

See also Appendix 4, Dealing with Allegations of Abuse for a more detailed description.

## **12. Managing allegations made against another student.**

Consider interim protections such as separating the students involved. Obtain information from both the complainant and the accused

Gather evidence from other sources, as appropriate

Generate a written report

Inform the complainant, parents and the accused of findings

If a pupil discloses or accuses another pupil of abuse, then the Named Safeguarding Officer is informed immediately and then this goes to Social care referral system. Contact the LADO for advice.

### **13. Referring a disclosure to the DSO**

Following an allegation of abuse, you have a duty to make a referral to the DESIGNATED SAFEGUARDING OFFICER.

- Prior to making a referral, you will need to gather as much information as you can about the allegation.
- Lack of access to the necessary information should NOT delay the referral.
- A referral will then lead to the implementation of the next stages of the Protection Procedure. The DESIGNATED SAFEGUARDING OFFICER should have an overview of this process so they can explain it to the person concerned and offer all relevant support to the process. This could be practical support e.g. providing a venue, or information and reports and emotional support.
- Information should be provided to the individual. This could be about other sources of help or information that could enable them to decide what to do about their experience, enable them to recover from their experience and enable them to seek justice.

### **14. Managing Confidential Information and Information Sharing**

The Learning Circle is committed to maintaining confidentiality wherever possible and information concerning safeguarding should be shared only with those who need to know.

- An information trail will be kept as a record of all decisions made and all information shared including any receipts requested and the consent of the person who has provided the information.
- All allegations/disclosures/concerns should be recorded in writing including a body map where appropriate. The information should be factual and not based on opinions, record what the person tells you, what you have seen and witnesses if appropriate.
- The information that is recorded will be kept secure and will comply with data protection, however the Data Protection Laws should not be a barrier to information sharing if undertaken correctly.
- Information sharing should be Necessary, Accurate, Proportionate, Relevant, Adequate, Timely and Secure. Before choosing to share information, the school will analyse the potential risk of sharing versus the risk of non-sharing. This decision must be recorded, and all data transferred securely.
- This section should be read in conjunction with the DfE document 'Information Sharing' March 2015.

### **15. The Board of Directors**

The Directors are legally responsible for the safety of the school through ensuring, via the DSO, that:

- The Safeguarding Policy is kept up to date and in line with all current guidelines
- All Safer Recruitment processes are in place for new recruits
- At least one senior member of the school's leadership team takes on the DSO role and attends refresher courses every two years
- All staff are provided with regular Safeguarding training
- All staff including volunteers and temps are made aware of this policy and all child protection arrangements
- Any known issues or problems with safeguarding processes are improved in a timely fashion
- The school has strong guidelines and procedures for dealing with allegations of abuse and these processes are easy to find
- Policies and procedures are reviewed annually
- The Directors liaise with Lead teacher on these issues on a regular basis.

#### Appendix 1 - Definitions and types of abuse

##### 1.PHYSICAL ABUSE

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

#### Indicators in the child

##### Bruising

It is often possible to differentiate between accidental and inflicted bruises. The following must be considered as non-accidental unless there is evidence, or an adequate explanation provided:

- Bruising in or around the mouth
- Two simultaneous bruised eyes, without bruising to the forehead, (rarely accidental, though a single bruised eye can be accidental or abusive)
- Repeated or multiple bruising on the head or on sites unlikely to be injured accidentally, for example the back, mouth, cheek, ear, stomach, chest, under the arm, neck, genital and rectal areas
- Variation in colour possibly indicating injuries caused at different times
- The outline of an object used e.g. belt marks, hand prints or a hair brush
- Linear bruising at any site, particularly on the buttocks, back or face
- Bruising or tears around, or behind, the earlobe/s indicating injury by pulling or twisting
- Bruising around the face
- Grasp marks to the upper arms, forearms or leg

- Pinpoint blood spots under the skin, commonly associated with slapping, smothering/suffocation, strangling and squeezing

### Fractures

Fractures may cause pain, swelling and discolouration over a bone or joint. It is unlikely that a child will have had a fracture without the carers being aware of the child's distress.

If the child is not using a limb, has pain on movement and/or swelling of the limb, there may be a fracture.

There are grounds for concern if:

- The history provided is vague, non-existent or inconsistent
- There are associated old fractures
- Medical attention is sought after a period of delay when the fracture has caused symptoms such as swelling, pain or loss of movement

Rib fractures are only caused in major trauma such as in a road traffic accident, a severe shaking injury or a direct injury such as a kick.

Skull fractures are uncommon in ordinary falls, i.e. from three feet or less. The injury is usually witnessed, the child will cry and if there is a fracture, there is likely to be swelling on the skull developing over 2 to 3 hours. All fractures of the skull should be taken seriously.

### Fabricated or Induced Illness

Professionals may be concerned at the possibility of a child suffering significant harm as a result of having illness fabricated or induced by their carer. Possible concerns are:

- Discrepancies between reported and observed medical conditions, such as the incidence of fits
- Attendance at various hospitals, in different geographical areas
- Development of feeding / eating disorders, as a result of unpleasant feeding interactions
- The child developing abnormal attitudes to their own health
- Non organic failure to thrive - a child does not put on weight and grow and there is no underlying medical cause
- Speech, language or motor developmental delays
- Dislike of close physical contact
- Attachment disorders
- Low self esteem
- Poor quality or no relationships with peers because social interactions are restricted
- Poor attendance at school and under-achievement

### Bite Marks

Bite marks can leave clear impressions of the teeth when seen shortly after the injury has been inflicted. The shape then becomes a more defused ring bruise or oval or crescent shaped. Those over 3cm in diameter are more likely to have been caused by an adult or older child.

A medical/dental opinion, preferably within the first 24 hours, should be sought where there is any doubt over the origin of the bite.

#### Burns and Scalds

It can be difficult to distinguish between accidental and non-accidental burns and scalds. Scalds are the most common intentional burn injury recorded. Any burn with a clear outline may be suspicious e.g. circular burns from cigarettes, linear burns from hot metal rods or electrical fire elements, burns of uniform depth over a large area, scalds that have a line indicating immersion or poured liquid.

Old scars indicating previous burns/scalds which did not have appropriate treatment or adequate explanation. Scalds to the buttocks of a child, particularly in the absence of burns to the feet, are indicative of dipping into a hot liquid or bath.

#### Scars

A large number of scars or scars of different sizes or ages, or on different parts of the body, or unusually shaped, may suggest abuse.

#### Emotional/behavioural presentation

- Refusal to discuss injuries
- Admission of punishment which appears excessive
- Fear of parents being contacted and fear of returning home
- Withdrawal from physical contact
- Arms and legs kept covered in hot weather
- Fear of medical help
- Aggression towards others
- Frequently absent from school
- An explanation which is inconsistent with an injury
- Several different explanations provided for an injury

#### Indicators in the parent

- May have injuries themselves that suggest domestic violence
- Not seeking medical help/unexplained delay in seeking treatment
- Reluctant to give information or mention previous injuries
- Absent without good reason when their child is presented for treatment

- Disinterested or undisturbed by accident or injury
- Aggressive towards child or others
- Unauthorised attempts to administer medication
- Tries to draw the child into their own illness.
- Past history of childhood abuse, self-harm, somatising disorder or false allegations of physical or sexual assault
- Parent/carer may be over involved in participating in medical tests, taking temperatures and measuring bodily fluids
- Observed to be intensely involved with their children, never taking a much-needed break nor allowing anyone else to undertake their child's care.
- May appear unusually concerned about the results of investigations which may indicate physical illness in the child
- Parent/carer has convictions for violent crimes.

#### Indicators in the family/environment

- Marginalised or isolated by the community
- History of mental health, alcohol or drug misuse or domestic violence
- History of unexplained death, illness or multiple surgery in parents and/or siblings of the family
- Past history of childhood abuse, self-harm, somatising disorder or false allegations of physical or sexual assault or a culture of physical chastisement.

## 2.EMOTIONAL ABUSE

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

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 the 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, though it may occur alone.

#### Indicators in the child

- Developmental delay
- Abnormal attachment between a child and parent/carer e.g. anxious, indiscriminate or no attachment
- Aggressive behaviour towards others
- Child scapegoated within the family
- Frozen watchfulness, particularly in pre-school children
- Low self-esteem and lack of confidence
- Withdrawn or seen as a 'loner' - difficulty relating to others
- Over-reaction to mistakes
- Fear of new situations
- Inappropriate emotional responses to painful situations
- Neurotic behaviour (e.g. rocking, hair twisting, thumb sucking)
- Self-harm
- Fear of parents being contacted
- Extremes of passivity or aggression
- Drug/solvent abuse
- Chronic running away
- Compulsive stealing
- Low self-esteem
- Air of detachment - 'don't care' attitude
- Social isolation - does not join in and has few friends
- Depression, withdrawal
- Behavioural problems e.g. aggression, attention seeking, hyperactivity, poor attention
- Low self-esteem, lack of confidence, fearful, distressed, anxious
- Poor peer relationships including withdrawn or isolated behaviour

#### Indicators in the parent

- Domestic abuse, adult mental health problems and parental substance misuse may be features in families where children are exposed to abuse.
- Abnormal attachment to child e.g. overly anxious or disinterest in the child

- Scapegoats one child in the family
- Imposes inappropriate expectations on the child e.g. prevents the child's developmental exploration or learning, or normal social interaction through overprotection.

Indicators of in the family/environment

- Lack of support from family or social network.
- Marginalised or isolated by the community.
- History of mental health, alcohol or drug misuse or domestic violence.
- History of unexplained death, illness or multiple surgery in parents and/or siblings of the family
- Past history of childhood abuse, self-harm, somatising disorder or false allegations of physical or sexual assault or a culture of physical chastisement.

### 3.NEGLECT

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse.

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 caregivers); or
- ensure access to appropriate medical care or treatment.
- It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Indicators in the child

Physical presentation

- Failure to thrive or, in older children, short stature
- Underweight
- Frequent hunger
- Dirty, unkempt condition
- Inadequately clothed, clothing in a poor state of repair
- Red/purple mottled skin, particularly on the hands and feet, seen in the winter due to cold
- Swollen limbs with sores that are slow to heal, usually associated with cold injury
- Abnormal voracious appetite
- Dry, sparse hair
- Recurrent / untreated infections or skin conditions e.g. severe nappy rash, eczema or persistent head lice / scabies/ diarrhoea

- Unmanaged / untreated health / medical conditions including poor dental health
- Frequent accidents or injuries

#### Development

- General delay, especially speech and language delay
- Inadequate social skills and poor socialization

#### Emotional/behavioural presentation

- Attachment disorders
- Absence of normal social responsiveness
- Indiscriminate behaviour in relationships with adults
- Emotionally needy
- Compulsive stealing
- Constant tiredness
- Frequently absent or late at school
- Poor self esteem
- Destructive tendencies
- Thrives away from home environment
- Aggressive and impulsive behaviour
- Disturbed peer relationships
- Self-harming behaviour

#### 4.SEXUAL ABUSE

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. This can include sexual exploitation.

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.

#### Indicators in the child

##### Physical presentation

- Urinary infections, bleeding or soreness in the genital or anal areas
- Recurrent pain on passing urine or faeces
- Blood on underclothes
- Sexually transmitted infections
- Vaginal soreness or bleeding
- Pregnancy in a younger girl where the identity of the father is not disclosed and/or there is secrecy or vagueness about the identity of the father
- Physical symptoms such as injuries to the genital or anal area, bruising to buttocks, abdomen and thighs, sexually transmitted disease, presence of semen on vagina, anus, external genitalia or clothing

#### Emotional/behavioural presentation

- Makes a disclosure.
- Demonstrates sexual knowledge or behaviour inappropriate to age/stage of development, or that is unusually explicit
- Inexplicable changes in behaviour, such as becoming aggressive or withdrawn
- Self-harm - eating disorders, self-mutilation and suicide attempts
- Poor self-image, self-harm, self-hatred
- Reluctant to undress for PE
- Running away from home
- Poor attention / concentration (world of their own)
- Sudden changes in school work habits, become truant
- Withdrawal, isolation or excessive worrying
- Inappropriate sexualised conduct
- Sexually exploited or indiscriminate choice of sexual partners
- Wetting or other regressive behaviours e.g. thumb sucking
- Draws sexually explicit pictures
- Depression

#### Indicators in the family/environment

- Marginalised or isolated by the community.
- History of mental health, alcohol or drug misuse or domestic violence.
- History of unexplained death, illness or multiple surgery in parents and/or siblings of the family
- Past history of childhood abuse, self-harm, somatising disorder or false allegations of physical or sexual assault or a culture of physical chastisement.

- Family member is a sex offender.

Multiple forms of abuse may occur in an ongoing relationship or abusive service setting to one person, or to more than one person at a time, making it important to look beyond single incidents or breaches in standards, to underlying dynamics and patterns of harm. Any or all of these types of abuse may be perpetrated as the result of deliberate intent and targeting of vulnerable people, negligence or ignorance.

#### 5.FINANCIAL ABUSE

- The individual complains about not having access to their own funds / bank accounts
- The individual is not allowed to discuss financial or legal matters with other people
- Missing personal possessions
- Theft

#### A FOCUS ON: FORCED MARRIAGE

Duress can include physical, psychological, financial, sexual and emotional pressure. Forced marriage is an abuse of human rights and, where a child is involved, an abuse of the rights of the child.

#### Indicators in the child

Warning signs that a child or young person may be at risk of forced marriage or may have been forced to marry may include:

- History of siblings leaving education early to marry;
- Extended absences from school/college, truancy, drop in performance, low motivation, excessive parental restriction and control of movements;
- A child talking about an upcoming family holiday that they are worried about, fears that they will be taken out of education and kept abroad;
- Evidence of self-harm, treatment for depression, attempted suicide, social isolation, eating disorders or substance abuse;
- Evidence of family disputes/conflict, domestic violence/abuse or running away from home;
- Unreasonable restrictions such as being kept at home by their parents ('house arrest') or being unable to complete their education;
- A child being in conflict with their parents;
- A child going missing/running away;
- A child always being accompanied including to school and doctors' appointments;
- A child directly disclosing that s/he are worried s/he will be forced to marry.

Anyone threatened with forced marriage or forced to marry against their will can apply for Forced Marriage Protection Order. Third parties, such as relatives, friends, voluntary workers and police

officers, can also apply for a protection order with the leave of the court. Fifteen county courts deal with applications and make orders to prevent forced marriages. Local authorities can seek a protection order for Adults at Risk and children without leave of the court. Guidance published by the Ministry of Justice explains how local authorities can apply for protection orders and provides information for other agencies. (This is available at the Justice website).

The Anti-social Behaviour, Crime and Policing Act 2014 made it a criminal offence, with effect from 16 June 2014, to force someone to marry. This includes:

- Taking someone overseas to force them to marry (whether or not the forced marriage takes place);
- Marrying someone who lacks the mental Capacity to consent to the marriage (whether they're pressured to or not).

Breaching a Forced Marriage Protection Order is also now a criminal offence. The civil remedy of obtaining a Forced Marriage Protection Order through the family courts, as set out above, continues to exist alongside the criminal offence, so victims can choose how they wish to be assisted. Where the concerns about the welfare and safety of the child or young person are such that a referral to Children's social care should be made the Referrals Procedure must be followed.

Involving families in cases of forced marriage is dangerous:

- It may increase the risk of serious harm to the victim. Experience shows that the family may punish them for seeking help;
- Involving the family includes visiting the family to ask them whether they are intending to force their child to marry or writing a letter to the family requesting a meeting about their child's allegation that they are being forced to marry;
- Relatives, friends, community leaders and neighbours should not be used as interpreters - despite any reassurances from this known person.

All professionals working with victims of forced marriage need to be aware there may be only one chance to speak to a victim. If the victim is allowed to leave without the offer of support, the one chance to intervene may be lost.

The risk of significant harm may be increased if it becomes known that the young person has sought assistance. If forced marriage seems to be an issue:

- Do not notify the young person's family (or other members of their community) that you intend to refer the matter to the police or children's social care;
- Do not attempt to mediate.

Professionals should always consider the need for immediate protection, as disclosure of the forced marriage may be the direct consequence of the impending event. Children's social care will liaise with the police to ensure the safety of the victim and any other family members.

## A FOCUS ON: SAFEGUARDING AGAINST EXTREMISM

The 'Prevent Strategy' Document (2011) has brought about awareness with regards to the specific need to safeguard against extremism. Extremism is defined by the Government in the 'Prevent Strategy' document as "Vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs." It is regarded as the holding of extreme political or religious views and can lead to Radicalism, which is the attempt to make changes to existing social, religious or political structures and terrorism.

The Learning Circle will continue to carry out a well-balanced curriculum focusing on moral responsibilities in life and preparing them for differences of cultures and views. The school will make sure all students are aware of the risks involved and how to identify it outside of their place in the school. In addition, the school will keep on top of local knowledge and risks and identify potential at risk students as a result.

### Indicators in the child

- Identity Crisis – the student becomes distanced from their cultural / religious heritage and experiences discomfort about their place in society;
- Personal Crisis – the student may be experiencing family tensions; a sense of isolation; and low self-esteem; they may have dissociated from their existing friendship group and become involved with a new and different group of friends; they may be searching for answers to questions about identity, faith and belonging;
- Personal Circumstances – migration; local community tensions; and events affecting the student's country or region of origin may contribute to a sense of grievance that is triggered by personal experience of racism or discrimination or aspects of Government policy;
- Unmet Aspirations – the student may have perceptions of injustice; a feeling of failure; rejection of civic life;
- Experiences of Criminality – which may include involvement with criminal groups, imprisonment, and poor resettlement / reintegration;
- Special Educational Need – students may experience difficulties with social interaction, empathy with others, understanding the consequences of their actions and awareness of the motivations of others.

### The DESIGNATED SAFEGUARDING OFFICER's Responsibilities with regards to Extremism

- Maintaining and applying a good understanding of the relevant guidance in relation to preventing students/pupils from becoming involved in terrorism, and protecting them from radicalisation by those who support terrorism or forms of extremism which lead to terrorism;
- Raising awareness about the role and responsibilities of (School / Service) in relation to protecting students/pupils from radicalisation and involvement in terrorism;
- Monitoring the effect in practice of the school's RE curriculum and assembly policy to ensure that they are used to promote community cohesion and tolerance of different faiths and beliefs;

- Raising awareness within the school about the safeguarding processes relating to protecting students/pupils from radicalisation and involvement in terrorism;
- Acting as the first point of contact within the school for case discussions relating to students / pupils who may be at risk of radicalisation or involved in terrorism;
- Sharing any relevant additional information in a timely manner.
- For further details on specific types of abuse/safeguarding concerns see the guidance notes Keeping Children Safe in Education 2015. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300309/KCSIE\\_gdnce\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300309/KCSIE_gdnce_FINAL.pdf)

#### A FOCUS ON: FEMALE GENITAL MUTILATION

All staff should be aware of the reporting requirements issued with the Keeping Children Safe in Education document July 2015. A person who works in a regulated profession in England and Wales must make an FGM notification under Section 5A of the Female Genital Mutilation Act 2003. This can be a healthcare professional or a teacher.

A duty to report such a notification should be made if they are informed by the girl involved or they observe the physical signs of FGM taking place and have no reason to believe these physical signs are part of a health related surgical operation and the girl involved is under 18 years of age. Those failing to report such cases may come to face disciplinary actions.

FGM can take place at any age and therefore can be very varied. Typical cases will see the girl being taken away at the start of the summer holidays so that they have time to recover from the procedure and return to school as normal.

Indicators in the child that show FGM is about to or already has taken place:

- A girl may have frequent urinary, menstrual or stomach problems
- There may be prolonged or repeated absences from school/college
- Noticeable behaviour changes such as withdrawal/depression
- Reluctance to undergo normal medical examinations
- A girl may ask for help but be too embarrassed to explain
- A girl may make comments about pain or discomfort
- Difficulty in walking, sitting or standing and may even look uncomfortable
- A girl may spend longer than usual in the bathroom/toilet
- A girl makes comments about attending a special procedure or occasion to become a woman
- A girl may talk about a family elder coming to stay or a prolonged holiday to her country of origin or other country where the practice is prevalent.

Indicators in the family that show FGM is about to or already has taken place:

- Parents state that they or a relative will take the child out of the country for a prolonged period

- Parents withdraw the girl from any classes involving them learning about FGM or any personal, social and health education
- The girl's mother and or sister or other extended members of the family have undergone the procedure

The DESIGNATED SAFEGUARDING OFFICER's Responsibilities

The DSO has a legal responsibility to share this information with the social care or the police.

Please also refer to Multi Agency Practice Guidelines: Female Genital Mutilation.

### **Safeguarding contacts**

Multi-Agency Safeguarding Hub

To make a referral or for informal help and advice regarding a child protection concern:

Call MAST (Multi-Agency Screening Team): 01422 393336 (in normal working hours)

[mastadmin@calderdale.gov.uk](mailto:mastadmin@calderdale.gov.uk)

Out of hours call the Emergency Duty Team (EDT) on 01422 288000

CHILDREN'S ASSESSMENT TEAM: 01422 393340

Email: [edt@calderdale.gov.uk](mailto:edt@calderdale.gov.uk)

Allegations against staff.

FIRST CALL MAST.

Schools Safeguarding Advisor: Steve Barnes

Email [steve.barnes@calderdale.gov.uk](mailto:steve.barnes@calderdale.gov.uk). Telephone 01422 288326

and Ofsted

LADO- Local Authority Designated Officer (complaints against staff) 01422 394086

Child and Adolescent Mental Health Services (CAMHS)

<https://calderdalecamhs.org.uk/how-to-refer/>

For urgent & acute cases, contact Tier 3 CAMHS on 01422 262 380

Police Central Referral Unit - 0845 605 1166

Calderdale Safeguarding Children Partnership (CSCP)

Contact Name

Allison Waddell

E-mail

[Allison.waddell@calderdale.gov.uk](mailto:Allison.waddell@calderdale.gov.uk)

Website

[calderdale-safeguarding.co.uk/](http://calderdale-safeguarding.co.uk/)

Education Welfare Service

Email [duncan.thorpe@calderdale.gov.uk](mailto:duncan.thorpe@calderdale.gov.uk)

Telephone 01422 266125

Address

Education Welfare Service

Princess Buildings

Princess Street

Halifax

HX1 1TS

NATIONAL ORGANISATIONS

ANN CRAFT TRUST

Tel: 0115 951 5400

A national association working with staff in the statutory, independent and voluntary sectors in the interests of people with learning disabilities who may be at risk from abuse.

MIND Infoline

Tel: 0845 7660 163

Information re mental health related issues. Help in finding out options and local services. Mon – Fri 9.15 – 5.15.

RELATIVES AND RESIDENTS ASSOCIATION

Tel: 020 7359 8136

Tel: 020 7916 6055

Email: [advice@reles.org](mailto:advice@reles.org)

Help information or advice about a relative who is in a care home or about to enter one.

RESPOND

Tel: 020 7383 0700

Provides therapeutic intervention for people with learning disabilities who have been abused.

SANELINE

Tel: 0845 767 8000

National helpline for anyone coping with mental illness.

VOICE

Tel: 01332 202555

Provide support to people with learning disabilities who have been abused, raises awareness, campaigns and promotes best practice.

BHAROSA (Asian women's helpline) Tel: 0121 303 0368

HOME OFFICE

<https://www.gov.uk/forced-marriage>

NSPCC

To report a concern call: - 0808 800 5000

For any child under 18 years of age call: - 0800 1111

Flowchart to show the process for handling a disclosure of confidential information

On internal document.

#### Appendix 4 – Dealing with Allegations of Abuse

##### DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF

##### GUIDANCE FOR LOCAL AUTHORITIES, LEAD TEACHERS, SCHOOL STAFF, GOVERNING BODIES AND PROPRIETORS OF INDEPENDENT SCHOOLS

ABOUT THIS GUIDANCE This is statutory guidance from the Department for Education. This means recipients must have regard to it when carrying out duties relating to handling allegations of abuse against teachers and other staff.

See also items 8,9 & 10 of this Policy Document and Appendix 5 – Whistle Blowing Policy

#### 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).
- Keeping Children Safe in Education 2015

#### WHO IS THE GUIDANCE FOR?

This guidance aimed at: Schools, local authorities, governing bodies in maintained and independent schools, Academies, short stay schools and the FE sector.

#### 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. At any stage of consideration or investigation, all unnecessary delays should be eradicated.

- In response to an allegation, staff suspension should not be the default option. An individual should only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the school and the individual notified of the reasons.
- Allegations that are found to have been malicious should be removed from personnel records and any that are not substantiated, 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 schools 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 straight away, normally to the Lead 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 Lead teacher or principal, or in cases where the Lead teacher or principal themselves are 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.

#### MAIN BODY OF THE DOCUMENT

##### Duties as an employer and employee

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

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

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

#### INITIAL CONSIDERATIONS

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

Some rare allegations will be so serious as to require immediate intervention by the local authority's social care and/or police. The local authority designated officer (LADO) should be

informed of all allegations that come to a school or FE college's attention and appear to meet the criteria so that he or she can consult police and local authority children's social care colleagues as appropriate.

In the first instance, the Lead teacher or principal, or chair of governors, chair of the management committee or proprietor of an independent school should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO, and the

- 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 is unsuitable to work with children.

Lead teacher or principal, to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the senior manager to provide or obtain any additional information which may be relevant such as previous history, whether the child or their family have made similar allegations and the individual's current contact with children.

This 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 manager and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by whom. The manager should then consider with the LADO what action should follow in respect of the individual and those who made the initial allegation.

The Lead teacher or principal should inform the accused person about the allegation as soon as possible after consulting the LADO. He or she should provide them with as much information as possible at the time. However, where a strategy discussion is needed, or police or local authority's social care need to be involved, the head should not do that until those agencies have been consulted and have agreed what information can be disclosed to the person. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school until the allegation or concern is resolved. Please see further information on suspension.

If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with paragraph 5.56 of Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and other school and FE college staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or local authority children's social care is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the Lead teacher or principal, or chair of governors, chair of the

management committee or proprietor. 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 and will range from taking no further action to summary dismissal or a decision not to use the person's services in future. Suspension should not be the default position – an individual should only be suspended if there is no reasonable alternative.

In some such cases further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the Lead teacher or principal, and chair of governors, chair of the management committee or proprietor how and by whom the investigation will be undertaken. In straightforward cases that should normally be undertaken by a senior member of the school or FE college's staff. However, in other circumstances lack of appropriate resource within the school or college, or the nature or complexity of the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that schools, and FE colleges can buy in from the authority. It is important that local authorities ensure that schools and FE colleges have access to an affordable facility for independent investigation where that is appropriate.

#### SUPPORTING THOSE INVOLVED

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations and disciplinary 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 local authority social care or the police. The school or FE college 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 must not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or local authority children's social care need to be involved, the head should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents. They 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 decision, cannot normally be disclosed but the parents and the carers should be informed of the outcome.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, local authority social care, or the police as appropriate, should consider what support the child or children involved may need.

#### CONFIDENTIALITY

It is extremely important that when an allegation is made, the school or FE College makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. In accordance with the Association of Chief Police Officers (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police might depart from that rule, e.g. an appeal to trace a suspect, the reasons should be documented, and partner agencies consulted beforehand.)

Schools and FE Colleges should take advice from the LADO, police and social care 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 in deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.
- How to manage press interest if and when it should arise.

#### RESIGNATIONS AND 'SETTLEMENT AGREEMENTS'

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the person should be given a full opportunity to answer the allegation and make representations about it, but the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

By the same token so called 'compromise agreements', by which a person agrees to resign, if the school or FE college agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used in these cases. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it

override the statutory duty to make a referral to the Independent Safeguarding Authority (ISA) where circumstances require that.

#### RECORD KEEPING

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future CRB 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 person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention.

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 so as to avoid any

#### REFERENCES

Cases in which an allegation was proven to be 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

Target timescales are shown below for different actions in the summary description of the process. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unfounded or malicious then it is expected that 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 Lead teacher or principal should institute appropriate action within 3 working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

#### OVERSIGHT AND MONITORING

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

Police forces should also identify officers who will be responsible for: liaising with the designated local authority officer(s), taking part in the strategy discussion, or initial evaluation, subsequently reviewing the progress of those cases in which there is a police investigation, and sharing information on completion of the investigation or any prosecution.

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 a review should take place no later than 4 weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

#### SUSPENSION

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

Suspension should only be considered in a case where there is cause to suspect a child or other children at the school or FE college is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case. Schools and FE colleges must consider carefully whether the circumstances of the case warrant a person being suspended from contact with children at the school or FE college until the allegation is resolved and may wish to seek advice from their personnel adviser.

Schools and FE colleges should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. For example, redeployment so that the individual does not have direct contact with the child concerned or providing an assistant to be present when the individual has contact with children. This allows time for an informed decision regarding the suspension and possibly reducing the initial impact of the allegation. This will, however, depend upon the nature of the allegation. Schools and FE colleges should consider the

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

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving the reasons for the suspension. The person should be informed at that point who their named contact is within the organisation and provided with their contact details.

Local authority children's social care or the police cannot require a school or FE college to suspend a member of staff or a volunteer, although schools and FE colleges 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 local authority social care and/or an investigation by the police, the LADO should canvass police and the local authority children's social care for views about whether the accused member of staff needs to be suspended from contact with children to inform the school or FE college consideration of suspension.

#### INFORMATION SHARING

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

Wherever possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the school or FE college for disciplinary purposes. 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.

The local authority's social care 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 school or FE college without delay.

#### ACTION FOLLOWING A CRIMINAL INVESTIGATION OR A PROSECUTION

The police or the Crown Prosecution Service (CPS) should inform the school and LADO straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances the LADO should discuss with the Lead teacher, principal and chair of governors or proprietor whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or the local authority social care should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

#### ACTION ON CONCLUSION OF A CASE

If the allegation is substantiated and the person is dismissed or the school or FE college 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 school or FE college and its personnel adviser whether a referral to the Independent Safeguarding Authority (ISA) for consideration of inclusion on the barred lists or by the General Teaching Council (GTC) is required. 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. Professional misconduct cases should be referred to the relevant regulatory body. The ISA will consider whether to bar the person from working in regulated activity, which will include 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.

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

#### LEARNING LESSONS

At the conclusion of a case in which an allegation is substantiated the LADO should review the circumstances of the case with the Lead teacher or principal, or the chair of governors, chair of the management committee or proprietor 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.

Subject to the passage of the Education Bill 2011, it is planned that the GTCE will be abolished at the end of March 2012, and from this point onwards cases of serious misconduct will be considered by the new Teaching Agency, acting on behalf of the Secretary of State.

#### ACTION IN RESPECT OF UNFOUNDED OR MALICIOUS ALLEGATIONS

If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to local authority children's social care to determine whether the child concerned is in need of services or may have been abused by someone else. In the event that an allegation is shown to have been deliberately invented or malicious, the Lead teacher, principal or proprietor should

consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible, including 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

Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997.

[http://www.cps.gov.uk/legal/s\\_to\\_u/stalking\\_and\\_harassment/index.html](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/upload/documents/library/data_protection/detailed_specialist_guides/employment_practices_code.pdf)

[http://www.ico.gov.uk/for\\_organisations/data\\_protection/the\\_guide.aspx](http://www.ico.gov.uk/for_organisations/data_protection/the_guide.aspx)

#### Working Together to Safeguard Children 2013

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/281368/Working\\_together\\_to\\_safeguard\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281368/Working_together_to_safeguard_children.pdf)

#### Keeping Children Safe in Education 2015

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300309/KCSIE\\_gdnce\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300309/KCSIE_gdnce_FINAL.pdf)

Also provides more detail on different types of abuse/safeguarding concerns.

Guidance about designated teacher for looked after children

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/269764/role\\_and\\_responsibilities\\_of\\_the\\_designated\\_teacher\\_for\\_looked\\_after\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269764/role_and_responsibilities_of_the_designated_teacher_for_looked_after_children.pdf)

#### What to do if you suspect a child is being sexually exploited

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/279511/step\\_by\\_step\\_guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279511/step_by_step_guide.pdf)

#### Guidance notes for Female Genital Mutilation

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216669/dh\\_124588.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216669/dh_124588.pdf)

[www.privatefostering.org.uk](http://www.privatefostering.org.uk)

Private fostering: better information, better understanding (Ofsted)

<http://www.ofsted.gov.uk/resources/private-fostering-better-information-better-understanding>

The Children (Private Arrangements for Fostering) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/1533/contents/made>

Applying to waive disqualification: early years and childcare providers

<http://www.ofsted.gov.uk/resources/applying-waive-disqualification-early-years-and-childcare-providers>

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