



Safeguarding Young People Policy

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1. STAR Exeter Welfare Policy Statement

STAR Exeter believes that, in the interests of good practice, there should be a clear policy and associated practices to guide work with under-18-year-old students who attend our school. We believe that young people have rights as individuals and should be treated with dignity and respect. We will endeavour to provide a safe environment for any young people (under 18s) in our care while they are studying at our school, at our location 89a Queen Street, Exeter, or at any other premises used for lessons or STAR Exeter activities. Out of season, there is normally a maximum of 5% 16-17-year-olds in the school, and in the summer, this percentage can rise to 15% in the adult school. Additionally, our Junior Summer Programme (July) caters for 10-17- year-olds. This programme, including all social activities, is held in separate premises. - Accommodation for 16/17-year-olds in the adult school is offered in host families only. Host families, or 24-hour-supervised residential accommodation, are offered for the Junior Summer Programme. On their first day, students are given information on health and safety issues, including illness, accidents, safety on the streets, alcohol, drugs and driving in the U.K. Under 18s are advised what is/is not permissible for them. They are given the Childline number. They can use it if they want to talk about something they do not want anyone else to know. They are also given the English UK number, should they wish to complain about the school.

2. Ethos

STAR Exeter fully recognises the contribution it can make to protect children and support pupils in this school. We recognise that for young people, high esteem, confidence, supportive friends and clear lines of communication with a trusted adult are important for their protection

Therefore, we are committed to:

Prevention: By promoting a positive school atmosphere both in and out of the classroom , through teaching, pastoral care and support to our school community;

Protection: By following agreed procedures, through staff training and support to enable us to respond appropriately and sensitively to Child Protection concerns;

Support: By providing support to pupils and staff.

Our school will therefore:

- a) Establish and maintain an ethos where young people feel secure and are encouraged to talk, and are listened to;
- b) Ensure that young people know that there are adults in the school who they can approach if they are worried or in difficulty;
- c) Ensure that wherever possible every effort will be made to establish effective working relationships with parents, colleagues and other appropriate agencies.

3. Terminology

Designated Safeguarding Lead (DSL): This is the person with overall responsibility for safeguarding in the school, making decisions regarding systems and training.

Designated Safeguarding Person (DSP): This is the person with day-to-day responsibility for safeguarding in the school, including systems and training.

Responsible Adults: These are adults who have any responsibility for day-to-day care of under 18s, including teachers, other school staff, homestay providers, suppliers, e.g. taxi and coach drivers. Teachers will be trained on a Basic Awareness Safeguarding course.

Young Person/People: Students in the school aged under 18.

4. Safeguarding vs. Child Protection, including explanation of Abuse

Safeguarding is a general term covering all aspects of looking after the welfare of students aged under 18.

Child Protection means protecting under 18s from direct harmful behaviour (abuse). Abuse is any behaviour towards a person that deliberately or unknowingly causes harm, endangers life or violates their rights.

Abuse may be:

- Physical, e.g. signs of bruising, unexplained injuries; it should also be noted that female genital mutilation (FGM) is a form of abuse
- Sexual, including inappropriate sexual behaviour or language, inappropriate sexual knowledge for the age, child sexual exploitation 'grooming'
- Psychological – repeatedly being made to feel unhappy, humiliated, afraid or devalued by others; this may be signalled by a sudden change in behaviour, e.g. patterns of absence
- Financial or material – stealing or denying access to money or possessions
- Neglect, which may be indicated by a dishevelled appearance
- Discriminatory – abuse motivated by discriminatory attitudes towards race, religion, gender, disability, sexuality or cultural background
- Radicalisation – staff should be vigilant about signs of radicalisation, of any sort, and extremism (see our Prevent Extremism Policy)

The Basic Awareness Safeguarding Course contains a more comprehensive description of abuse.

5. Who's who at STAR Exeter

Designated Safeguarding Lead: Caz Potten, Level 3 Safeguarding & Sandy Salisbury, Level 3 Safeguarding.

Designated Safeguarding Person (DSP): Solomon Read, Level 3 Safeguarding (Summer school only)

6. Who should be protected?

All young people and vulnerable adults, whatever their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/or sexual identity have the right to safeguard from abuse. We obtain feedback from under 18s through weekly targeted meetings with them. This feedback is used to inform any updates to this policy.

7. Safer Recruitment

Applicants to positions of employment at STAR Exeter will be informed, before interview, that the school requires the following:

- a current photo I.D.;
- a complete CV, with explanations of any gaps in employment;
- certificates of any relevant qualifications, which will be checked;
- a DBS check (required before employment can start where there is substantial access to under 18s);
- references from previous employers, including whether previous employers know of any reason why the applicant should not be in situations of responsibility with persons under the age of 18.

The school will undertake **DBS checks** (formerly enhanced CRB checks) on all permanent staff and supply staff where there is substantial access to under 18s. A 'satisfactory' check is defined as having no criminal convictions (including cautions, reprimands and final warnings) relevant to the post. Please see our DBS Certificate Checklist.

The school will additionally ensure that host families (all persons over the aged of 18 years living in the host family home) and exterior suppliers (taxi drivers for airport transfers and bus drivers for excursions) who are in regular or significant occasional contact with under 18s will have DBS checks.

The school will keep a **Single Central Record** of all Safeguarding checks carried out on school staff. This Record will contain each person's name, address, DOB, start date, job title, qualifications, DBS certificate details, overseas police check (if necessary), ID check, including right to work in the UK. For Homestay Providers, safeguarding checks are in their individual files.

The members of the Management Team recruiting staff will have completed a **Safer Recruitment Course**.

All staff will be informed of this Safeguarding Policy, particularly the Code of Conduct and the Reporting Procedures. Permanent staff and regular supply staff will all complete a **Basic Awareness Safeguarding Course**.

8. Role of the Designated Safeguarding Lead/Designated Safeguarding Person

The DSP on the school site has daily responsibility for the welfare of the students. The DSL has overall responsibility for the welfare of our students. In his/her absence the DSP will deputise as the appointed person.

The DSL/DSP is responsible to follow these guidelines:

- a) School events:** Receive information about events that are planned in the school that may involve young people, and plans that indicate how safeguarding will be covered.
- b) Reports from responsible adults:** Receive information from any responsible adults that have safeguarding concerns and record it.
- c) Assessment:** Assess the information promptly and carefully, clarifying and obtaining more information about the matter as appropriate.
- d) Further advice:** Consult initially with a statutory child safeguarding agency to test out any doubts or uncertainty: MASH Exeter LADO 0345 155 1071
- e) Formal referral:** Make a formal referral to a statutory child safeguarding agency MASH Exeter LADO 0345 155 1071 or the police, as appropriate.
- f) Record keeping:** Record and keep notes from staff reports. Record statements from any member of staff who feels that a young person has indulged in inappropriate behaviour or made sexually suggestive comments or approaches. Record and keep notes from any allegations made against staff or other students. Records will be made on the attached form, and stored securely in the office filing cabinet.

9. What are the responsibilities of Responsible Adults?

It is everyone's responsibility to report any concerns about abuse to the Lead or Designated Safeguarding Person, and the responsibility of the Social Services Department and the Police to conduct, where appropriate, a joint investigation.

All responsible adults are responsible for making the school a safe and caring environment for all, including young people, whereby a caring environment is one in which the health, safety and welfare of young people has been assessed and catered for, in which responsible adults are alive to the possibility of abuse and take measures to prevent that possibility, where there is a sound and known reporting system for any incident and where responsible adults take reasonable and practical precautions to avoid any suspicions of abuse being brought against them.

The Health and Safety of a young person should be given additional consideration. Responsible Adults should assist young people first in the case of a fire. They should also be aware that young people are dependent on adults for proper medical and first aid provision. Refer to the Health and Safety Policy, and the Fire Health and Safety Policy for details.

It should be noted that whilst a young person can consent to sexual activity once they reach the age of 16, the Sexual Offences (Amendment) Act 2000 makes it a criminal offence for a person to engage in any kind of sexual activity with a person under 18 where the adult is in a position of trust.

Supervision Ratios

For any activities off the school premises, responsible adults should be in a ratio of no more than 20 young people per responsible adult. Individual Risk Assessments may specify more supervision for certain activities.

Safeguarding Guidelines in the Residence (Summer Junior Programme only)

There will be a Responsible Adult in the residence at all times that under 18s are present, at a ratio of at least one to 15. The Responsible Adult will have access to a First Aid Kit and emergency contact numbers, as well as contact numbers for next of kin of all under 18s. The Responsible Adult will ensure that all under 18s are in the residence in the evening at the specified curfew time, and do not leave the residence until the following morning. The Responsible Adult will ensure that all under 18s arrive at the first lesson/activity safely each day.

Group Leaders who accompany groups of under 18s (e.g. from a school) may be designated Responsible Adults, as long as they have been vetted properly. However, they should not be given responsibility for under 18s that are not part of their own group.

Refer to the Code of Conduct and the Reporting Guidelines.

10. Code of Conduct for Responsible Adults

The following are intended as guidelines to reduce the risk to young people and also to help protect everyone from any false allegation. First and foremost common sense should be applied.

YOU SHOULD:

- a) Remember that you are a role model for young people. Your actions, words and appearance (including dress) should reflect this at all times. Be aware especially of cultural and religious sensitivities.
- b) Treat all young people with respect and respect their right to personal privacy.
- c) Ensure that, whenever possible, there is more than one adult present during activities or that you are within sight or hearing of others. If you need to be alone with

an under-18-year-old (e.g. for tutorials), make sure other staff know, and keep the door open.

d) Exercise caution when discussing sensitive issues. Educate students to accept and be tolerant towards a range of views. (See Prevent Extremism Policy)

e) Exercise caution in initiating any physical contact with a young person.

f) Challenge all unacceptable behaviour and report all concerns about young people, allegations or suspicions of abuse.

g) Take a serious approach to the use of alcohol and smoking, and reinforce the fact that legal highs are dangerous, and that other drugs are illegal.

YOU SHOULD NOT:

a) Spend excessive time alone with young people away from others.

b) Take young people off the school premises unless for an authorised STAR Exeter activity which has been risk assessed.

c) Take young people to your home, unless you are a Homestay Provider.

d) Engage in physical or sexually provocative games including horseplay.

e) Allow or engage in inappropriate touching of any form.

f) Make over-familiar or sexually suggestive comments or approaches to a young person, even as a joke.

g) Let allegations, inappropriate comments or approaches to a young person or by a young person go unchallenged or unreported.

h) Do things of a personal nature that young people can do for themselves.

i) Take photographs, videos or other images of a young person without the express permission of their parents.

j) Be friends with a young person on social media, or give them your personal phone number or email address.

k) Allow young people to be exposed to inappropriate media, e.g. sexually explicit or gratuitously violent or racially or religiously intolerant material.

Record notes of any concerns, and report immediately to the DSL/DSP in the school:

Caz Potten & Sandy Salisbury. Solomon Read (summer school only)

If the DSL/DSP is not available, or you wish to speak to an outside agency, you can contact the Local Exeter Child Protection Office, LADO: 0345 155 1071

11. Role of the class teacher

The class teacher is the person who bears the primary pastoral responsibility for the young people in his or her own class. The class teacher will register the students during the first 10 minutes of class. Registers are provided for this purpose on the Google Drive account. Any absence of an under-18-year-old will be reported immediately to the Director of Studies.

12. Policy for IT and Media, including Social Media

There are laptops available for student use. These have filters which block access to inappropriate websites. Responsible Adults will not become friends with under 18s on social media. Any communication by any means (internet, mobile, social media, phone, etc) by a responsible adult with an under-18-year-old will only be for professional reasons. Responsible adults will not allow young people to be exposed to inappropriate media, e.g. sexually explicit or gratuitously violent or racially or religiously intolerant material.

13. Training

The member of the Management Team hiring staff or recruiting Homestay Providers will have completed a **Safer Recruitment Course**.

All staff will be informed of this Safeguarding Policy, particularly the Code of Conduct and the Reporting Procedures. Permanent staff and regular supply staff will all complete a **Basic Awareness Safeguarding Course**.

Staff will have regular Staff meetings in which general issues of Safeguarding will be addressed. The **Code of Conduct** will be displayed in the Staff Room, and regular revision of Safeguarding principles will take place. Staff feedback to the Policy will be used in the annual update.

Homestay Providers will be given a copy of this Safeguarding Policy, as well as a copy of 'STAR Exeter Host Family Handbook', which has Safeguarding information for the home situation.

The DSL will be certified to **Multi-Agency Safeguarding Level**. The DSP will be certified to at least **Advanced Safeguarding for Designated Staff Level**.

14. Reporting Guidelines

If a young person comes to you with a concern or complaint, you must take care to remain calm and show support. In this case, or if you have a concern for a young person, these guidelines will help lessen the risk of causing more trauma for the young person and/or compromising any criminal investigation that might follow.

- a) Receive:** Listen to what is being said without displaying shock or disbelief. Accept what is being said without judgement. Take it seriously.
- b) Reassure:** Reassure the young person as far as is honest and reliable. Assure him/her that you take the concern seriously. Don't promise confidentiality – you have a duty to report your concerns to the DSL/DSP.
- c) React:** Do not investigate, interrogate or decide if the young person is telling the truth. Remember that any allegation of abuse may lead to a criminal investigation, so don't do anything to jeopardise this. Don't ask leading questions. Don't ask the young person to repeat their concern to another staff member. Explain what you have to do next and to whom you have to talk. Do not discuss the case with anyone other than the DSL/DSP.

d) Record: Make brief notes at the time of reporting and write them up in detail as soon as possible. Use the Reporting Form (Appendix 1). Do not destroy your original notes in case they are required by Court. Record the date, time, place, words used by the young person and how he/she looked to you. Keep it factual.

e) Report: Report your concern, together with your written notes, to the DSL/DSP. Do not discuss the case with anyone else. The DSL/DSP will decide how to proceed.

DSL: Caz Potten: 01392-666419, 07900-906823, caz@starexeter.com & Sandy Salisbury: 01392 666419, dos@starexeter.com

DSP: Soloman Read: 07940 037650, sread121@btinternet.com

If the DSL is not available, contact Exeter LADO: 0345 155 1071

15. Communication with Parents

The UK Border Agency requires under 18s to be met by a designated responsible adult at their point of arrival in the UK. The school can arrange a transfer service from any UK port of entry, and we will always advise parents to make use of this service.

Parents of under 18s will be required to sign a Consent Form prior to confirmation of the student's booking. This Consent Form will include: permission for the student to travel from their accommodation to the school unaccompanied; permission for the student to take part in excursions and activities outside school hours: details of curfew times. Parents will be made aware that the school carries out DBS checks on all permanent school staff, who are certificated at Basic Awareness Safeguarding Level. Parents are also asked if they give permission for photos of their child being used for school publicity. If the student is 16 or older and is enrolled in the year-round adult programme, the Consent form will include permission for the student to be in an adult school, where the course content, style and methodology is directed towards adult learners.

For the Summer Junior Programme, documents accompanying the Consent Form will include: rules for the Residence; rules for travelling between the accommodation and lessons/activities; timings of lessons; confirmation that a responsible, First Aid trained adult will be present in the residence at night and that no other over 18s will be allowed in the same residence.

Parents or guardians are welcome to discuss their child's progress with the class teacher. If the parents/guardians need to be contacted for any reason this is done through the Director or Director of Studies.

16. What happens after a report to the DSL/DSP has been made?

The DSL/DSP will deal with the concern according to the above guidelines. The reporting responsible adult should not take further steps to investigate, or to speak with other members of staff.

If an allegation has been made against a responsible adult, the DSL/DSP will refer to the Guidance Document from the DfE: 'DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF GUIDANCE FOR LOCAL AUTHORITIES, HEAD TEACHERS, SCHOOL STAFF, GOVERNING BODIES AND PROPRIETORS OF INDEPENDENT SCHOOLS' (Appendix 2)

If an allegation has been made against another adult student, or against an under-18-year-old student, the following steps will be taken. It is imperative that confidentiality is maintained, and that a quick resolution is a priority.

a) The DSL/DSP will try to determine if the allegation is **Substantiated, False, Malicious, Unfounded or Unsubstantiated**. (See definitions in Appendix 2) It is important to determine if any misunderstandings, or wrong impressions, have occurred.

b) If the allegation is determined to be **substantiated**, the DSL/DSP should contact LADO. Together they will discuss appropriate steps to take. Care should be taken to safeguard any under-18-year-old involved. The parents of any young person involved will be informed and kept informed throughout any investigation. The DSL/DSP will decide if suspension of the student is necessary. This should not be the default option, but should only be used if there is no reasonable alternative. It should be decided whether other action needs to be taken to separate the student from the others involved. If this is deemed necessary, appropriate discretion should be used in informing relevant teachers.

c) If the allegation is determined to be **false, malicious, unfounded or unsubstantiated** the DSL/DSP should decide if the case can be resolved internally, or if advice from LADO is necessary. Care should continue to be taken to safeguard any under-18-year-old involved. Together with LADO, the DSL/DSP will decide when and how the parents of any under-18-year-old involved should be informed.

d) Clear records should be kept of the allegation, the decisions made, action taken, and other people/parents/bodies informed. Use the reporting form (Appendix 1).

17. Review of this Policy

This Policy will be reviewed annually, and it will be signed off by the Designated Safeguarding Lead. All school staff will have the opportunity to contribute to discussion about the review. Any feedback from responsible adults and young people will be used to inform the review of the Policy.

18. Extra Guidelines for Homestay Providers

Refer to the 'STAR Exeter Host Family Handbook' for specific guidelines.

4 Other present or potential witnesses			
Name			
Address			
Telephone number		Email	
5 Additional relevant information (please detail anything else that you believe to be helpful or important)			

I have completed this form and provided information that is factual and does not contain my own views or opinions on the matter.

Print name

Signature

Date

Dealing with Allegations of Abuse against Teachers and other Staff

Guidance for Local Authorities, Head Teachers, School Staff, Governing Bodies and Proprietors of Independent Schools

Department for
Education

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

ABOUT THIS GUIDANCE

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

WHAT LEGISLATION DOES THIS GUIDANCE RELATE TO?

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

WHO IS THE GUIDANCE FOR?

This guidance is aimed at:

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

KEY POINTS

- If an allegation is made against a teacher the quick resolution of that allegation should be a clear priority to the benefit of all concerned. 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.

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

- 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 school 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 head teacher, principal or proprietor if it is an independent school. The procedures should also identify the person, often the chair of governors, to whom reports should be made in the absence of the head teacher or principal, or in cases where the head teacher or principal themselves 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 would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or FE college that provides education for children under 18 years of age has:

- 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 would pose a risk of harm if they work regularly or closely with children.

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

The framework for managing cases of allegations of abuse against people who work with children is set out in *'Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children'* (March 2010) which provides an overview of how allegations should be handled. It is relevant for the purposes of s.157 and s.175 of the Education Act 2002.

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 services 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 services as appropriate.

In the first instance, the head 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 head 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 head 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 services 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 services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the head 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 head 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 the investigation 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 services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare

counselling or medical advice where this is provided by the employer.

The 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 services 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 a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.²

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

CONFIDENTIALITY

It is extremely important that when an allegation is made, the school or FE college makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. 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 local authority social care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared;

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

- How to manage speculation, leaks and gossip;
- What if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if and when it should arise.

RESIGNATIONS AND 'COMPROMISE AGREEMENTS'

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.

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

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 delay. 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 head 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
- sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible that review should take place **no later than 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 services 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 services and/or an investigation by the police, the LADO should canvass police and the local authority children's social care services 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 services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the 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 continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the head 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 services 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 to the General Teaching Council (GTC)³ 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 head 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.

ACTION IN RESPECT OF UNFOUNDED OR MALICIOUS ALLEGATIONS

³ 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.

If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to local authority children's social care services 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 head 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, even if he or she was not a pupil. In September 2010 the Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997.

FURTHER INFORMATION

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

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

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

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

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

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

You can download this booklet online at: <http://www.education.gov.uk/publications>
Search using the ref: DfE-00061-2011

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Department for
Education



Contacting outside agencies (MASH/LADO)

Designated Safeguarding Leads:

Caz Potten, Level 3 Safeguarding

Sandy Salisbury, Level 3 Safeguarding.



For consultation and all enquiries please contact: Telephone: 0345 155 1071

E-mail: mashsecure@devon.gcsx.gov.uk

Fax: 01392 448951

Referral Form available at: www.devon.gov.uk/mash-enquiryform.doc

Post: Multi-Agency Safeguarding Hub, P.O. Box 723, Exeter EX1 9QS

Emergency Duty Team – out of hours 0845 6000 388

Local Authority Designated Officers - LADOs

Area	Name of Local Authority Designated Officer	Telephone	Email
Devon		01392 384964	secure email: ladosecure-mailbox@devon.gcsx.gov.uk
Plymouth	Simon White	01752 307144	simon.white@plymouth.gcsx.gov.uk simon.white@plymouth.gov.uk
Torbay	John Edwards	01803 208411	john.edwards@torbay.gov.uk john.edwards@torbay.gcsx.gov.uk

<http://www.devon.gov.uk/lado>

<http://www.plymouth.gov.uk/managingallegationspeopleworkingwithchildren>

<http://www.torbay.gov.uk/index/yourservices/fis/supportandadvice/tscb-holding2011/tscb/workersvolunteers/allegations.htm>

For consultation and all enquiries please contact:

Telephone: **0345 155 1071**

E-mail: mashsecure@devon.gcsx.gov.uk

Fax: 01392 448951

Referral Form available at: www.devon.gov.uk/mash-enquiryform.doc

Post: **Multi-Agency Safeguarding Hub, P.O. Box 723, Exeter EX1 9QS**

Emergency Duty Team – out of hours **0845 6000 388**

Police check letter for overseas group leaders

Some countries require an official document or letter from the authorities to support an application for a police certificate of good conduct, criminal record certificate or local equivalent.

The Police check letter explains the requirement for such checks. Centres can forward this letter to their agents to help with the process.

There is no need to have the documents translated; if you have an appropriate agreement in place with your agents to verify the checks they can do this without having the documents translated.

Accreditation UK inspectors will not expect to see copies of the group leaders' police checks. They will need to see documentation between the ELT provider and the agency, which confirms that the checks have been done.