

Child Protection and Safeguarding Policy

Policy statement of intent

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

- *Keeping Children Safe in Education (September 2020);*
- *Disqualification under the Childcare Act 2006 (February 2015, last updated 31 August 2018);*
- *What to do if you're worried a child is being abused (March 2015);*
- *Working Together to Safeguard Children (March 2015, last updated 21 February 2019);*
- *Information Sharing (March 2015, last updated 4 July 2018).*
- *Prevent Duty Guidance: for England and Wales (March 2015, last updated 10 April 2019);*
- *The Prevent Duty: Departmental Advice for Schools and Childcare Providers (2015);*
- *The use of social media for on-line radicalisation (July 2015).*

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

1.3 All staff should be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation.

1.4 Bath Academy have an approach that recognises concerns to grow and may be apparent before someone makes an allegation.

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

- ensure that we practice safer recruitment in checking the suitability of staff, and volunteers (including staff employed by another organisation or contractor) to work with children and young people in accordance with the guidance given in *Keeping Children Safe in Education 2020*) and the *National Minimum Standards for Boarding*

Schools and the National Minimum Standards for Accommodation of Students under Eighteen by Further Education Colleges;

- ensure that we carry out all necessary checks on the suitability of people who serve on the College's governing body in accordance with the above regulations and guidance given in *Keeping Children Safe in Education 2020* (and in the *National Minimum Standards for Boarding Schools* and the *National Minimum Standards for Accommodation of Students under Eighteen by Further Education Colleges*);
- ensure that where the College ceases to use the services of any person (whether employed, contracted, a volunteer or student) because that person was considered unsuitable to work with children, a prompt and detailed report is made to the Disclosure and Barring Service (DBS);
- ensure that where staff from another organisation are working with our students on another site, we have received assurances that appropriate child protection checks, and procedures apply to those staff;
- follow the local inter-agency procedures of the B&NES Community Safety and Safeguarding Partnership;
- protect each student from any form of abuse, whether from an adult or another student including domestic abuse, child sexual exploitation and sexual exploitation and county lines, upskirting, sexting, gender-based issues, initiation/hazing type violence and rituals or banter.
- protect particular vulnerable children with SEND and those who have a social worker
- make provision for teaching children to keep themselves safe, including online
- make provision for teaching children about Relationship, Relationship and Sex; Health
- be alert to signs of abuse both in the College and from outside;
- deal appropriately with every suspicion or complaint of abuse in line with the statutory guidance given in *Dealing with Allegations of Abuse against Teachers and Other Staff* (October 2012).
- design and operate procedures which, so far as possible, ensure that teachers and others who are innocent are not prejudiced by false allegations;
- support students who have been abused in accordance with his / her agreed child protection plan;
- be alert to the medical needs of students with medical conditions;
- support the mental health and wellbeing of students
- operate robust and sensible health & safety procedures;

- take all practicable steps to ensure that College premises are as secure as circumstances permit;
- operate clear and supportive policies on drugs, alcohol, and substance misuse;
- consider and develop procedures to deal with any other safeguarding issues which may be specific to individual students in our College or in our local area; and have regard to guidance issued by the Secretary of State for Education in accordance with Section 157 of the Education Act 2002 and associated regulations.
- Carry out all DBS checks for all staff and volunteers

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

Responsibilities for Child Safeguarding

Safeguarding procedures are set by the **Local Safeguarding Children’s Board for Bath and North East Somerset** (<https://www.safeguarding-bathnes.org.uk/children/local-safeguarding-children-s-board>)

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

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

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

Whistleblowing: All staff are required to report to the Principal or the Directors in his/her absence, any concern or allegations about College practices or the behaviour of colleagues which are likely to put students at risk of abuse or other serious harm.

There will be no retribution or disciplinary action taken against a member of staff for making such a report provided that it is done in good faith. Please consult the college's Whistleblowing Policy.

The College's Designated Safeguarding Lead (DSL) is Tim Naylor, Principal, who may be contacted on 01225 334577 In his absence the **deputy DSL is Natalia Knott, the Welfare and Accommodation Officer who may be contacted on 01225 334577 and 01225474401**. The DSL and deputy DSL are fully trained in child protection and interagency working. Both the DSL and deputy DSL attend regular courses with child support agencies to ensure that they remain conversant with best practice. They undergo refresher training every two years and they both have a job description for their safeguarding roles and key activities. Their training meets the requirements of KCSIE. Staff at Bath Academy are fully trained with on – line Certified Safeguarding courses and receive refresher courses regularly.

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

The DSL reports to the Director responsible for Safeguarding and his main responsibilities are:

- to be the first point of contact for parents, students, teaching and non-teaching staff and external agencies in all matters of child protection;
- to co-ordinate the child protection procedures in the College, ensure that child safeguarding policies and procedures are kept up to date;
- to maintain an on-going training programme for all College employees;
- during induction training of new staff to provide copies of all key documents (including the Child Protection and Safeguarding Policy, Student Behaviour Policy and Missing Student Policy the Staff Code of Conduct including the use of social media and part one of KCSIE, Students Behaviour & Sanctions policy) to each new member of staff, and explain the systems to support safeguarding and ensure that these are understood;
- to explain to new staff the college's policies on the acceptable use of technologies and social media and staff/pupil communications;
- to ensure that students and members of staff are safe on-line
- to monitor the keeping, confidentiality and storage of records in relation to child protection;
- to liaise with the child protection officer appointed by the SSD (Local Authority Designated Officer);

- to keep parents informed of action to be taken under these procedures in relation to their child in accordance with paragraph 6.11;
- to monitor records of students in the College with child protection plans to ensure that these are maintained and updated as notification is received;
- to liaise with other professionals to ensure that students with child protection plans are monitored;
- where appropriate, to take part in the child protection conferences or reviews;
- to inform the SSD in writing when a child with a child protection plan moves to another College and to inform the new College of child's protection plans.
- to complete and update the required training for Designated Staff;
- to refer suspected cases of abuse to the appropriate authorities (see detailed procedures later) and to understand how child safeguarding procedures operate;
- to raise awareness of child safety issues in the college including on-line safety;
- to keep the Director informed of all actions;
- if the Principal is the subject of a complaint. In this situation, the Deputy DSL should consult with the Directors, Mr. David Game and Mr.Mansour Kaveh;
 - in the event of concerns/allegations about the Principal, where the Principal is also the sole proprietor of an independent school, this should be reported directly to the designated officer(s) at the local authority (LADO)

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

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

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

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

External Agencies Contact details:

- **Bath Locality Team** (for children who live in the central Bath area) **01225 396312**
- **North East Somerset Locality Team** (for children who live outside central Bath) **01225 396313** • Outside of office hours- the **Emergency Duty Team** on **01454 615165**
- **Independent Schools Inspectorate:** CAP House, 9-12 Long Lane, London EC1A 9HA Tel: 020 7600 0100
- **Local Authority Designated Officers (LADO) for managing allegations or safeguarding concerns against staff are:**
Francesca Hepden: 01225 396804 and Sarah Hogan Tel: 01225 396810

College procedures for preventing unsuitable people working with children

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

Please refer to the school's Recruitment Policy for further details.

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

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

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

Types of abuse

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

Staff should be aware that children with Special Educational Needs or Disabilities are especially vulnerable.

Abuse can take place wholly online or tech may be used to facilitate offline abuse.

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

They may be abused by an adult or adults or by another child or children.

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

Emotional abuse: the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

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

inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Neglect: the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, 12 clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

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

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

Awareness of vulnerable students

Some students may be at increased risk of significant harm as a result of neglect and/or physical, sexual or emotional abuse. Many factors can contribute to an increase in risk. The College will give special consideration and attention to any student who:

- does not speak English as their first language;
- is living away from home;
- has a family member in prison;
- has a SEND – this could include a pre-existing medical or mental health issue (e.g. PTSD or ACE – Adverse Childhood Trauma);
- has poor attendance or is frequently missing / goes missing from care or from home;
- identifies as either lesbian, gay, bi-sexual, transsexual, or queer (LGBTQ+);
- is a young carer;
- is affected by known parental substance misuse or is misusing drugs or alcohol themselves;
- is affected by a parent(s) suffering with mental health problems or living in chaotic, neglectful and unsupportive home situations;

- is an asylum seeker;
- is a child who has social worker
- is a 'looked after' child (LAC) or a child in care or who has returned home to his/her family from care. This includes those who are subject to a care order or temporarily classed as looked after on a planned basis for short breaks or respite care;
- is in a private foster arrangement;
- is living in an identified domestic abuse situation;
- is living in temporary accommodation;
- is living a transient lifestyle;
- is showing signs of engaging in anti-social or criminal behaviour including gang involvement and association with organised crime groups;
- is vulnerable to being bullied, or engaging in bullying;
- is vulnerable to discrimination and maltreatment on the grounds of race, ethnicity, religion, or sexuality;

SPECIFIC FORMS OF ABUSE AND SAFEGUARDING ISSUES

1. **Child Sexual Exploitation (CSE)** - The following list of indicators is not exhaustive or definitive, but it does highlight common signs which can assist professionals in identifying children or young people who may be victims of sexual exploitation. Signs include:
 - inappropriate sexual or sexualised behaviour
 - sexually risky behaviour, 'swapping' sex
 - repeat sexually transmitted infections
 - in girls, repeat pregnancy, abortions, miscarriage
 - receiving unexplained gifts or gifts from unknown sources
 - having multiple mobile phones and worrying about losing contact via mobile
 - having unaffordable new things (clothes, mobile) or expensive habits (alcohol, drugs)
 - changes in the way they dress
 - going to hotels or other unusual locations to meet friends
 - seen at known places of concern
 - moving around the country, appearing in new towns or cities, not knowing where they are
 - getting in/out of different cars driven by unknown adults
 - having older boyfriends or girlfriends
 - contact with known perpetrators
 - involved in abusive relationships, intimidated and fearful of certain people or situations
 - hanging out with groups of older people, or anti-social groups, or with other vulnerable peers

- associating with other young people involved in sexual exploitation
- recruiting other young people to exploitative situations
- truancy, exclusion, disengagement with school, opting out of education altogether
- unexplained changes in behaviour or personality (chaotic, aggressive, sexual)
- mood swings, volatile behaviour, emotional distress
- self-harming, suicidal thoughts, suicide attempts, overdosing, eating disorders
- drug or alcohol misuse [getting involved in crime]
- police involvement, police records
- involved in gangs, gang fights, gang membership
- injuries from physical assault, physical restraint, sexual assault.

2. Child Criminal Exploitation (CCE)

CCE is where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. CCE does not always involve physical contact; it can also occur through the use of technology.

CCE can include children being forced to work in cannabis factories, being coerced into moving drugs or money across the country (county lines), forced to shoplift or pickpocket, or to threaten other young people. Some of the following can be indicators of CCE:

- children who appear with unexplained gifts or new possessions;
- children who associate with other young people involved in exploitation;
- children who suffer from changes in emotional well-being;
- children who misuse drugs and alcohol;
- children who go missing for periods of time or regularly come home late; and
- children who regularly miss school or education or do not take part in education.

3. County lines

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”. Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to move [and store] drugs and money. Offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims.

Children can be targeted and recruited into county lines in a number of locations including schools, further and higher educational institutions, pupil referral units, special educational needs schools, children’s homes and care homes. Children are often recruited to move drugs and money between locations and are known to be exposed to

techniques such as ‘plugging’, where drugs are concealed internally to avoid detection. Children can easily become trapped by this type of exploitation as county lines gangs create drug debts and can threaten serious violence and kidnap towards victims (and their families) if they attempt to leave the county lines network. One of the ways of identifying potential involvement in county lines are missing episodes (both from home and school), when the victim may have been trafficked for the purpose of transporting drugs and a referral to the National Referral Mechanism should be considered. If a child is suspected to be at risk of or involved in county lines, a safeguarding referral should be considered alongside consideration of availability of local services/third sector providers who offer support to victims of county lines exploitation.

4. Domestic abuse

The cross-government definition of domestic violence and abuse is: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; and emotional.

All children can witness and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members. Exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

Operation Encompass

Operation Encompass operates in the majority of police forces across England. It helps police and schools work together to provide emotional and practical help to children. The system ensures that when police are called to an incident of domestic abuse, where there are children in the household who have experienced the domestic incident, the police will inform the key adult (usually the designated safeguarding lead) in school before the child or children arrive at school the following day. This ensures that the school has up to date relevant information about the child’s circumstances and can enable support to be given to the child according to their needs. Police forces not signed up to operation encompass will have their own arrangements in place.

National Domestic Abuse Helpline

Refuge runs the National Domestic Abuse Helpline, which can be called free of charge and in confidence, 24 hours a day on 0808 2000 247.

Its website provides guidance and support for potential victims, as well as those who are worried about friends and loved ones. It also has a form through which a safe time from the team for a call can be booked.

Additional advice on identifying children who are affected by domestic abuse and how they can be helped is available at:

- [NSPCC- UK domestic-abuse Signs Symptoms Effects](#)
- [Refuge what is domestic violence/effects of domestic violence on children](#)
- [Safelives: young people and domestic abuse.](#)

5. Homelessness

Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare. The designated safeguarding lead (and any deputies) should be aware of contact details and referral routes in to the Local Housing Authority so they can raise/progress concerns at the earliest opportunity.

Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour, as well as the family being asked to leave a property.

Whilst referrals and/or discussion with the Local Housing Authority should be progressed as appropriate, and in accordance with local procedures, this does not, and should not, replace a referral into children's social care where a child has been harmed or is at risk of harm. The Homelessness Reduction Act 2017 places a new legal duty on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help including an assessment of their needs and circumstances, the development of a personalised housing plan, and work to help them retain their accommodation or find a new place to live. The following factsheets usefully summarise the new duties: [Homeless Reduction Act Factsheets](#). The new duties shift focus to early intervention and encourage those at risk to seek support as soon as possible, before they are facing a homelessness crisis.

In most cases school and college staff will be considering homelessness in the context of children who live with their families, and intervention will be on that basis. However, it should also be recognised in some cases 16 and 17 year olds could be living independently from their parents or guardians, for example through their exclusion from the family home, and will require a different level of intervention and support. Children's services will be the lead agency for these young people and the designated safeguarding lead (or a deputy) should ensure appropriate referrals are made based on the child's circumstances.

6. 'Honour based' abuse (HBA)

Female Genital Mutilation (FGM)

It is essential that staff are aware of FGM practices and the need to look for signs, symptoms and other indicators of FGM. It involves procedures that intentionally alter/injure the female genital organs for nonmedical reasons. FGM is internationally recognised as a violation of human rights of girls and women. It is illegal in most countries including the UK. The FGM mandatory reporting duty is a legal duty provided for in the FGM Act 2003 (as amended by the Serious Crime Act 2015). This legislation requires the college to make a report to the police.

FGM mandatory reporting duty for teachers

Teachers **must** personally report to the police cases where they discover that an act of FGM appears to have been carried out. Unless the teacher has good reason not to, they should still consider and discuss any such case with the school's or college's designated safeguarding lead (or deputy) and involve children's social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. Where the teacher does not discover that an act of FGM appears to have been carried out, either through disclosure by

the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, teachers should follow local safeguarding procedures.

Why is it carried out

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

Circumstances and occurrences that may point to FGM happening:

- Child talking about getting ready for a special ceremony
- Family taking a long trip abroad
- Child's family being from one of the 'at risk' communities for FGM (Kenya, Somalia, Sudan, Sierra Leon, Egypt, Nigeria, Eritrea as well as non-African communities including Yemeni, Afghani, Kurdistan, Indonesia and

Pakistan)

- Knowledge that the child's sibling has undergone FGM
- Child talks about going abroad to be 'cut' or to prepare for marriage

Signs that may indicate a child has undergone FGM:

- Prolonged absence from school and other activities
- Behaviour change on return from a holiday abroad, such as being withdrawn and appearing subdued
- Bladder or menstrual problems
- Finding it difficult to sit still and looking uncomfortable
- Complaining about pain between the legs
- Mentioning something somebody did to them that they are not allowed to talk about
- Secretive behaviour, including isolating themselves from the group
- Reluctance to take part in physical activity
- Repeated urinal tract infection
- Disclosure

Forced marriage

Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter into a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some communities use religion and culture as a way

to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage. Section 5B(11) of the FGM Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) provides the definition for the term 'teacher': "teacher" means – (a) in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England). Section 5B(6) of the Female Genital Mutilation Act 2003 states teachers need not report a case to the police if they have reason to believe that another teacher has already reported the case. School and college staff can contact the Forced Marriage Unit if they need advice or information: Contact:

20 08 0151 or email fmufco.gov.uk.

7. Mental Health

All staff should also be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Staff however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one.

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences, can impact on their mental health, behaviour and education.

If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following Bath Academy child protection policy and speaking to the designated safeguarding lead or a deputy.

All members of Bath Academy staff should promote positive health, wellbeing and resilience among young people.

Promoting children and young people's emotional health and wellbeing. Bath Academy resources include "social media", "forming positive relationships", "smoking and alcohol".

8. The Prevent duty

If BATH ACADEMY has a concern about a student and radicalisation, then it will follow the procedure outlined by B&NES Community Safety and Safeguarding Partnership. The DSL will speak to the Local Authority Prevent Contact and the LADO/police will be contacted as advised. In order for BATH ACADEMY to fulfil its Prevent duty, it is essential that staff are able to identify students who may be vulnerable to radicalisation and know what to do when they are identified. Protecting students from the risk of radicalisation is part of BATH ACADEMY's wider safeguarding duties and is similar in nature to protecting our young people from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences. To achieve this aim Bath Academy seeks to build students' resilience to radicalisation by promoting fundamental British values and enabling students to challenge extremist views. That said, our Prevent duty does not stop the debating of controversial issues. On

the contrary, BATH ACADEMY provides a safe space in which our young people and staff can understand the risks associated with terrorism and develop the knowledge and skills to be able to challenge extremist arguments.

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

The Police's Prevent Team can be contacted:

Telephone 0117 945 5539, or dial 101 (and ask for the 'Prevent Team' and explain you are calling about extremism or radicalisation)

Email channelsw@avonandsomerset.pnn.police.uk,

Always dial 999 in an emergency

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

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

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

IT policies The statutory guidance makes clear the need for schools to ensure that young people are safe from terrorist and extremist material when accessing the internet in college. Bath Academy has a college-wide safe internet usage policy that all staff and students sign up to. Bath Academy employs internet filtering to reduce the availability of access to radical material Bath Academy. Also reserves the right to examine individual student devices if we suspect that the internet connection that we supply has been used to access unsuitable or potentially dangerous material.

Building students' resilience to radicalisation Bath Academy seeks to build students' resilience to radicalisation by providing a safe environment for debating controversial issues and helping them to understand how they can influence and participate in decision-making, promotes the spiritual, moral, social and cultural development of

students and, within this, fundamental British values. Our Personal, Social and Health Education (PSHE) is an effective way of providing students with time to explore sensitive or controversial issues and equips them with the knowledge and skills to understand and manage difficult situations. Bath Academy teaches students to recognise and manage risk, make safer choices, and to recognise when pressure from others threatens their personal safety and wellbeing. Our students are able to develop effective ways of resisting pressures, including knowing when, where and how to get help via personal tutors, teachers, college nurse, house managers and the college's independent listener.

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

Vulnerability

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

Access to extremism / extremist influences

- Is there reason to believe that the child/young person associates with those known to be involved in extremism - either because they associate directly with known individuals or because they frequent key locations where these individuals are known to operate? (e.g. the child/young person is the partner, spouse, friend or family member of someone believed to be linked with extremist activity) Does the child/young person

frequent, or is there evidence to suggest that they are accessing the internet for the purpose of extremist activity? (e.g. Use of closed network groups, access to or distribution of extremist material, contact associates covertly via Skype/email etc)

- Is there reason to believe that the child/young person has been or is likely to be involved with extremist/ military training camps/ locations?
- Is the child/young person known to have possessed or is actively seeking to possess and/ or distribute extremist literature/ other media material likely to incite racial/ religious hatred or acts of violence?
- Does the child/young person sympathise with, or support illegal/illicit groups e.g. propaganda distribution, fundraising and attendance at meetings?
- Does the child/young person support groups with links to extremist activity but not illegal/illicit e.g. propaganda distribution, fundraising and attendance at meetings?
- **Experiences, Behaviours and Influences**
 - Has the child/ young person encountered peer, social, family or faith group rejection?
 - Is there evidence of extremist ideological, political or religious influence on the child/ young person from within or outside UK?
 - Have international events in areas of conflict and civil unrest had a personal impact on the child/ young person resulting in a noticeable change in behaviour? It is important to recognise that many people may be emotionally affected by the plight of what is happening in areas of conflict (i.e. images of children dying) it is important to differentiate them from those that sympathise with or support extremist activity
 - Has there been a significant shift in the child/ young person's behaviour or outward appearance that suggests a new social/political or religious influence?
 - Has the child/ young person come into conflict with family over religious beliefs/lifestyle/ dress choices? Is the child/young person a victim of domestic abuse?
 - Does the child/ young person vocally support terrorist attacks; either verbally or in their written work?
 - Has the child/ young person witnessed or been the perpetrator/ victim of racial or religious hate crime or sectarianism?
 - Has the child/young person has been or is likely to be involved with gangs?
- **Travel**
 - Is there a pattern of regular or extended travel within the UK, with other evidence to suggest this is for purposes of extremist training or activity?
 - Has the child/ young person travelled for extended periods of time to international
 - locations known to be associated with extremism?

- Has the child/ young person employed any methods to disguise their true identity? Has the child/ young person used documents or cover to support this?

Social Factors

- Does the child/ young person have experience of poverty, disadvantage, discrimination or social exclusion?
- Does the child/ young person experience a lack of meaningful employment appropriate to their skills?
- Does the child/ young person display a lack of affinity or understanding for others, or social isolation from peer groups?
- Does the child/ young person demonstrate identity conflict and confusion normally?
- Is the child/ young person associated with youth development?
- Does the child/ young person have any learning difficulties/ mental health support needs?
- Does the child/ young person demonstrate a simplistic or flawed understanding of religion or politics?
- Does the child/ young person have a history of crime, including episodes in prison? Is the child/ young person involved with gangs?
- Is the child/young person a foreign national, refugee or awaiting a decision on their immigration/ national status?
- Does the child/ young person have insecure, conflicted or absent family relationships?
- Has the child/ young person experienced any trauma in their lives, particularly any trauma associated with war or sectarian conflict?
- Is there evidence that a significant adult or other in the child/young person's life has extremist view or sympathies?

More critical risk factors could include:

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

Visiting Speakers - visiting speakers enhance our intellectual life and provide stretch, challenge and inspiration for students. The Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) requires a clear protocol for ensuring that any visiting speakers are suitable and appropriately supervised. The Prevent Duty requires us to have

regard to the need to prevent people, including children, from being radicalised or drawn into terrorism. Radicalisation is the process by which a person comes to support terrorism and forms of extremism. Extremism is vocal or active opposition to fundamental British values including democracy, the rule of law, individual liberty, mutual respect and tolerance of different faiths and beliefs. Calls for the death of members of UK armed forces, whether in this country or overseas, are also considered extremist. We are not permitted to obtain a DBS disclosure or Barred List information on any visiting speaker who does not engage in regulated activity or perform any other regular duties for or on behalf of the College.

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

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

9. Peer on peer/ child on child abuse

Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to): abuse within intimate partner relationships; bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiation/hazing type violence and rituals.

Sexual violence and sexual harassment between children in schools and colleges

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all

likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”; and
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts.

Dismissing or tolerating such behaviours risks normalising them.

What is sexual violence and sexual harassment?

Sexual violence It is important that school and college staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual violence offences under the Sexual Offences Act 2003¹¹¹ as described below:

Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

Assault by Penetration: A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

Sexual Assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

What is consent?

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

Sexual harassment

When referring to sexual harassment we mean ‘unwanted conduct of a sexual nature’ that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child’s dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual “jokes” or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment.

This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:

- non-consensual sharing of sexual images and videos;
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media;
- sexual exploitation; coercion and threats; and
- upskirting.

Upskirting

The Voyeurism (Offences) Act, which is commonly known as the Upskirting Act, came into force on 12 April 2019. ‘Upskirting’ is where someone takes a picture under a person’s clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender, can be a victim. The response to a report of sexual violence or sexual harassment

Sexting

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

Legal Implications for pupils: Sexting potentially breaches several civil laws concerned with the creation, possession and distribution of child pornography and indecent images. These are images which show partial (where breasts or genitals are exposed) or full nudity and/or feature sexual acts being performed. It is illegal for pupils to make and/or share images such as these, even if they are images of themselves, which have been taken personally or with consent. Pupils who engage in sexting (to any extent) are at risk of receiving a police caution and/or being placed on a register for sexual offenders for a period of several years (which can have serious ramifications in adulthood with regards to employment, travel etc.). Sexting can also (in some cases) be viewed as a crime under the Malicious Communications Act.

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

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

If “sexting” is reported by the victim or deemed to be a safeguarding matter, then it must be treated as a disclosure of a safeguarding matter and referred to the DSL, who will take the appropriate further action.

- Parents and carers will be notified and the incident will be reported to the local LADO or the police, as appropriate.
- Pupils will be sanctioned in accordance with our Behaviour Policy. Sexting is a serious offence and dependent on motive, intent, pressure or coercion, those involved may be issued with fixed term or, in extreme cases, even permanent exclusion
- Pupils may also be subject to interview by the Police and confiscation of their electronic devices.

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

If you suspect that “sexting” has taken place or you become aware of indecent images circulating in the college or a student refers an incident of “sexting” to you, then you must refer it straight away to the Designated Safeguarding Lead, who is authorised by the Principal to investigate such matters

- Although all staff are by law permitted to search pupils without their consent if they have a reasonable suspicion that they may have prohibited items in their possession, such as pornography, you may put yourself at risk of allegations by attempting to deal with this issue or by viewing indecent images yourself, so this is an investigation that should be carried out by the DSL.
- You are not permitted to forward, copy or print any sexting images and you may inadvertently implicate yourselves simply by viewing such material.
- If you are in any doubt whatsoever, seek immediate advice from the DSL and refer the issue on.

In the event of disclosures about peer-on-peer abuse, all students involved (both victim and perpetrator) will be treated as being at risk, and safeguarding procedures in accordance with this policy will be followed. Victims will be supported by the DSL and support from external agencies will be sought, as appropriate.

When there has been a report of sexual violence, the DSL will make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider: The victim; the alleged perpetrator; and the other students (and, if appropriate, staff) at the College.

Risk assessments will be recorded and kept under review. In relation to a report of sexual violence or sexual harassment, the DSL will reassure any victim that they are being taken seriously and that they will be supported and kept safe. The victim will never be given the

impression that they are creating a problem by reporting sexual violence or sexual harassment; nor would a victim ever be made to feel ashamed for making a report. The DSL will consider the risks posed to students and put adequate measures in place to protect them and keep them safe. This may include consideration of the proximity of the victim and alleged perpetrator and considerations regarding shared classes and sharing College premises.

The initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. If staff have a concern about a child or a child makes a report to them, they should follow the referral process.

As is always the case, if staff are in any doubt as to what to do they should speak to the designated safeguarding lead (or a deputy).

It is important school and college staff (and especially designated safeguarding leads and their deputies) understand consent. This will be especially important if a child is reporting they have been raped.

All Peer abuse is unacceptable and will be taken seriously.

Abuse is abuse and should never be tolerated or passed off as ‘banter’ or ‘just having a lough’ or ‘part of growing up’

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

Initial concern: A member of staff suspecting or hearing a complaint of abuse including sexual violence/harassment or specific safeguarding issue:

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

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

Reporting: All suspicion or complaints of abuse/specific safeguarding issues must be reported to the DSL or Deputy DSL, or if the complaint involves the DSL, to the Director responsible for Safeguarding and Childprotection/LADO

Is child is at risk, report to DSL Children's social care to make a referral or Police immediately if crime committed.

Anybody can make a referral to statutory agencies. Referrals do not require parental consent.

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

- the local inter-agency procedures of the B&NES Community Safety and Safeguarding Partnership;
- the nature and seriousness of the suspicion or complaint. A complaint involving a serious criminal offence will always be referred to the SSD or the police without further investigation within the College;
- the wishes of the student who has complained, provided that the student is of sufficient understanding and maturity and properly informed. However, there may be times when the situation is so serious that decisions may need to be taken, after all appropriate consultation, that override a student's wishes;
- the wishes of the complainant's parents, provided they have no interest which is in conflict with the student's best interests and that they are properly informed. Again, it may be necessary, after all appropriate consultation, to override parental wishes in some circumstances. If the DSL is concerned that disclosing information to parents would put a student at risk, he or she will take further advice from the relevant professionals before making a decision to disclose;
- duties of confidentiality, so far as applicable;
- the lawful rights and interests of the College community as a whole including its employees;
- if there is room for doubt as to whether a referral should be made, the DSL will consult with the Local Authority Designated Officer or other appropriate professionals on a no names basis without identifying the family. However, as soon as sufficient concern exists that a student may be at risk of significant harm, a referral will be made without delay. If the initial referral is made by telephone, the DSL will confirm the referral in writing to SSD within 24 hours. If no response or acknowledgment is received within three working days, the DSL will contact Social Services again.

- The DSL should differentiate between safeguarding children who have suffered or are likely to suffer significant harm and those who are in need of additional support from one or more agencies. The former should be reported to Children’s Social Care immediately, the latter should lead to inter-agency assessment using BANES processes including the Common Assessment Framework and “Team Around the Child”.
- The DSL will keep written records of concerns, discussions, decisions, and reasons for decisions.

External agencies: Whether or not the College decides to refer a particular complaint to the SSD or the police, the parents and student will be informed in writing of their right to make their own complaint or referral to the Social Services Department or the Child Protection Unit of the police and will be provided with contact names, addresses and telephone numbers, as appropriate.

Allegations against staff: The College has procedures for dealing with allegations against staff (and volunteers who work with students) that aim to strike a balance between the need to protect students from abuse and the need to protect staff and volunteers from false or unfounded allegations. These procedures follow the guidance in abuse in *Dealing with Allegations of Abuse against Teachers and Other Staff* (October 2012); Part Four of Keeping Children Safe in Education 2020.

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

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

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

Where an allegation or complaint is made against the Principal, the person receiving the allegation should immediately inform the Director Directors.

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

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

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

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

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

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

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

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

Allegations against students: In the event of a disclosure about pupil on pupil abuse, all children involved will be treated as “being at risk”, whether perpetrator or victim. A student against whom an allegation of abuse has been made may be suspended from the College during the investigation and the College's policy on behaviour, discipline and sanctions will apply. The College will take advice from the Local Authority Designated Officer (LADO) on the investigation of such allegations and will take all appropriate action to ensure the safety and welfare of all students involved including the student or students accused of abuse. If it is necessary for a student to be interviewed by the police in relation to allegations of abuse, the College will ensure that, subject to the advice of the LADO, parents are informed as soon as possible, and that the student is supported during the interview by an appropriate adult. In the case of students whose parents are abroad, the student's Guardian will be requested to provide support to the student and to accommodate him/her if it is necessary to suspend him/her during the investigation.

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

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

to record any incident, the action taken and the reasons given by the student for being missing.

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

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

If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy. Fears about sharing information **must not** be allowed to stand in the way of the need to promote the welfare and protect the safety of children.

Training

- All staff – both newly appointed and those already in post - are required to read at least part 1 of KCSIE. For staff who cannot read English the school will ensure that they understand key information.
- All staff complete on - A 'three-in-one' online Safeguarding in Education course written specifically for staff in the education sector, covering child protection together with online safety and the Prevent duty and refresher regularly

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

- Understand the assessment process for providing early help and intervention, for example through locally agreed common and shared assessment processes such as early help assessments;
- Have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so;
- Ensure every member of staff has access to and understands the school child protection policy especially new or part time staff who may work with different educational establishments.

- Ensure that all staff have training to recognise and identify signs of abuse including sexual violence/harassment, peer on peer abuse. Ensure that all staff understand how child safeguarding procedures operate and when it is appropriate to make a referral;
- Be alert to the specific needs of children in need, those with special educational needs and young carers;
- Be able to keep detailed, accurate, secure written records of concerns and referrals;
- Obtain access to resources and attend any relevant or refresher training courses

The Principal, and at least one other senior manager will have Safer recruitment training.

All staff will be trained regularly, in line with advice from the LSCB.

The DSL will supplement the regular, formal training of staff with informal updates, as required but at least annually e.g., by email, bulletins or items on the agenda of staff meetings.

All staff will receive training in online safety

During induction all new staff, including temporary staff and volunteers will be provided with training that includes:

- The College's Child Protection and Safeguarding Policy,
- The Staff Code of Conduct which includes the use of social media and communication with students,
- The Whistleblowing Policy,
- The identity of the DSL and deputy DSL,
- A copy of Part 1 of KCSIE
- Annex A of KCSIE
- The acceptable use of technologies
- Staff/student communication
- Missing Student policy
- Student Behaviours & Exclusions Policy

Students' training is included in the curriculum.

Monitoring

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

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

Physical intervention

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

Anti-Bullying

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

Racist incidents

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

The following telephone numbers may be useful for students:

Childline **0800 1111**

NSPCC **0808 800 5000**

Parent Line **0808 800 2222**

DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF INCLUDING SUPPLY TEACHERS AND VOLUNTEERS

Duties as an employer and an employee

This part of the 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 with children in a school or college. This guidance should be followed where it is alleged that anyone working in the school or college that provides education for children under 18 years of age, including supply teachers and volunteers 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;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This part of the guidance relates to members of staff, supply staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police.

Historical allegations of abuse should also be referred to the police.

Schools and colleges as employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide them with a named contact if they are suspended.

Where the school or college are not the employer of an individual they still have responsibility to ensure allegations are dealt with appropriately and that they liaise with relevant parties (this includes supply teachers and volunteers). It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or 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.

Supply teachers

In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business (referred to in this section as 'the agency').

Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome. Governing bodies and proprietors should discuss with the agency

whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

Agencies should be fully involved and co-operate in any enquiries from the LADO, police and/or children's social services. The school or college will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in the school or college. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the school during the investigation.

When using an agency, schools and colleges should inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies

All schools and FE colleges should have procedures for dealing with allegations. The procedures should make it clear that **all allegations should be reported immediately**, normally to the head teacher, principal or proprietor if it is an independent school. The procedures should also identify the person, often the chair of governors, to whom reports should be made in the absence of the head teacher or principal; or in cases where the head teacher or principal themselves is the subject of the allegation or concern. Procedures should also include contact details for the local authority designated officer (LADO) responsible for providing advice and monitoring cases.

Initial considerations

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

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

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

- **Substantiated:** there is sufficient evidence to prove the allegation;

- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

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

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

The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion⁹⁶ is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step. If 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 the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to

control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the designated officer(s) should discuss the next steps with the case manager. In those circumstances, the options open to the school or college depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's or college's staff.

However, in other circumstances, such as lack of appropriate resource within the school or college, or the nature or complexity of the allegation, 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 maintained schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges have access to an affordable facility for independent investigation where that is appropriate.

The purpose of a strategy discussion and those likely to be involved is described in Working Together to Safeguard Children.

Supporting those involved

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

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

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

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraphs 233-234). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

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

Confidentiality

It is extremely important that when an allegation is made, the school or college make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

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

In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, the police will not normally provide any information to the press

or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted.)

The case manager should take advice from the designated officer(s), police and children's social care services to agree the following:

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

Managing the situation and exit arrangements Resignations and 'settlement agreements'

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met

Schools and sixth form colleges must also consider whether a referral to the Secretary of State is appropriate

If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent a school or college from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed.

This is because the school or college would not be complying with its legal duty to make the referral.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Record keeping

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

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks 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. Schools and colleges have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records should be retained at least until the accused has reached normal pension 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 record retention.

References

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

Timescales

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

For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the

employer should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should instigate appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Oversight and monitoring

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

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

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

Suspension

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

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school or college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances

warrant suspension from contact with children at the school or college or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the designated officer(s). In cases where the school or sixth form college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school or sixth form college, immediate action should be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work. The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the designated officer(s), police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension.

Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

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

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

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

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

Children's social care services or the police cannot require the case manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their

advice. The power to suspend is vested in the proprietor of the school, or governing bodies of the school or college who are the employers of staff at the school or college. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the designated officer(s) should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school or college consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment. Information sharing.

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

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

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

Specific actions

Following a criminal investigation or a prosecution

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

On conclusion of a case

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the designated officer(s) should discuss with the case manager and their personnel adviser whether the school or college will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff at a school or sixth form college, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they

think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

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 or student at the school or college.

In respect of malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the designated officer(s) should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headteacher, principal or proprietor should consider whether any disciplinary action is appropriate against the pupil or student 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 were not a pupil or student.

Learning lessons

At the conclusion of a case in which an allegation is substantiated, the designated officer(s) should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's 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 designated officer(s) and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

FURTHER INFORMATION

[The Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997.](#)

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

[Guidance on how to make a referral to the ISA](#)

[Mental Health and Behaviour in Schools , THE LINK PROGRAMME](#)

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

Reviewed: September 2020

Next review: September 2021

Responsible Officer: Natalia Knott

Signature: