

Safeguarding and Child Protection Policy

September 2018

1 The person responsible for safeguarding and child protection at Trust level is:
Helen Rowland, Chief Executive 01457 821813

2 Safeguarding commitment

2.1 This document sets out the parameters for dealing with safeguarding within the Focus-Trust. The Trust is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment. We will comply with statutory requirements and adopt a best practice approach to recruitment and selection at all times.

2.2 It is the Focus-Trust's intention that we should do all we can to support and promote children's welfare and to protect them from abuse and neglect.

2.3 'Working Together to Safeguard Children' (2018) defines safeguarding and promoting welfare as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

3 Safeguarding Guidance

3.1 Core, Statutory Guidance

- Working Together to Safeguard Children (2018 HM Govt.)
- Keeping Children Safe in Education (2018 Dept. for Education)
- Prevent duty: Departmental advice for schools and childcare providers (2015)
- Statutory framework for the early years foundation stage (DfE, 2017)

3.2 Additional Guidance

- Inspecting Safeguarding in early years, education and skills settings: guidance for inspectors undertaking inspection under the common inspection framework (Ofsted 150067, August 2015)
- What to do if you're worried a child is being abused (2015 DfE)
- Information sharing advice for safeguarding practitioners (DfE, 2018)
- Guidance for Safer Working Practice for those working with children and young people in education settings (Safer Recruitment Consortium, October 2015)
- Behaviour and discipline in schools: Advice for Headteachers and school staff (Dept, for Education, January 2016)
- Preventing and Tackling Bullying (DFE, July 2017)

4 Related Trust and Academy documentation

4.1 This policy should be read alongside the following Focus-Trust documents:

- Academy Recruitment Guidelines
- IT and Online Safety policy
- Intimate care protocol and guidelines
- Looked After Children policy
- Photographic images policy
- DBS and single central record policy
- Staff code of conduct
- Whistle-blowing

5 Responsibilities

5.1 Trust Responsibilities

- Ensure that statutory safeguarding and child protection responsibilities are met by all academies in the Trust
- Ensure that the Trust's commitment to safeguarding children is met by all staff and contractors working in and / or on behalf of the Trust

5.2 Academy Responsibilities

Governing bodies and the Principal must ensure that statutory safeguarding and child protection duties and responsibilities are met. This includes:

- Having in place an academy-specific safeguarding and child protection policy which complies with Keeping Children Safe in Education 2018 and which is consistent with locally agreed / LSCB procedures
- Ensuring that a DSL is appointed in-line with statutory guidance and that there is always cover for this role in the academy
- Put mechanisms in place to assist staff to understand and discharge their role and responsibilities as set-out in statutory guidance
- Promote safeguarding and child protection in partnership with parents and external agencies
- Ensure that all staff and volunteers receive appropriate and regular training in-line with statutory guidance and Local Safeguarding Partner / SCB recommendations, including new staff as part of induction.
- Ensure that a Single Central Record is maintained which is compliant and fit for purpose.

5.3 Staff Responsibilities

- To follow all Trust and academy policies with regard to safeguarding and child protection. To this end everyone must read and understand:
 - Part one and, if they work directly with children, Annex A of Keeping Children Safe in Education (2018)
 - their academy's safeguarding and child protection policy and procedures
 - the behaviour policy

5.4 Staff should also ensure that they are clear about:

- the processes for identifying a need for and how to access early help for children in the academy, as well as what to do in the event that a child is in immediate danger, suffering or at risk of suffering significant harm
- the academy's safeguarding response to children who go missing from education

- the identities and roles of Designated Safeguarding Leads (DSLs) and Deputy Designated Safeguarding Leads (DDSLs).

6 Concerns About Safeguarding Practice or Culture and Whistleblowing

- 6.1 Where staff have concerns about safeguarding practice, systems or culture they should discuss those with the academy Principal. If concerns remain, they should speak to the Trust's representative for safeguarding and child protection, i.e. the Chief Executive Officer.
- 6.2 All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the academy's safeguarding regime and feel confident that any such concerns will be taken seriously by senior leaders.
- 6.3 Appropriate whistle-blowing procedures, which are reflected in staff training and the Focus Trust Code of Conduct, are in place and any such concerns can and should be raised with:
- The academy Principal in the first instance; or
 - The Focus Trust CEO and safeguarding lead person.
- 6.4 Where a staff member feels unable to raise an issue with either or both of the above, for whatever reason, or feels that their genuine concerns are not being addressed, other [whistle-blowing] channels are open to them:
- General guidance can be found at: <http://www.pcaw.org.uk/>
 - The [NSPCC whistleblowing helpline](http://www.nspcc.org.uk) is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: help@nspcc.org.uk.

7 Safeguarding and Child Protection Policies and Procedures

- 7.1 Each academy must have in place an academy-specific Safeguarding and Child Protection Policy which makes clear the procedure to follow in dealing with child protection concerns and incidents. This Policy must be reviewed at least annually and signed-off by governors. All academy-based staff should have a copy.
- 7.2 Each academy will promote the protection and welfare of children in partnership with parents, carers and colleagues from other agencies and will endeavor to work in a transparent way in children's best interests.
- 7.3 Parents and carers are informed of the academy policy on safeguarding and child protection through the academy website. Parents are asked to acknowledge their understanding of this at the start of each academic year.
- 7.4 Relevant safeguarding and child protection policies, procedures and documentation (see paras. 5.3-4) are included in the induction package for all new staff.

8 Training and induction

- 8.1 It is the responsibility of each academy's governors and the Principal to ensure

that appropriate and up-to-date staff training takes place in-line with statutory requirements.

8.2 A record of this training, showing names, dates and training provider, should be retained centrally and available for inspection.

8.2 New staff and volunteers must receive information about safeguarding and child protection as part of the induction process. Academies will adopt a proportionate, risk-based approach to the level of information that is provided to temporary staff and volunteers.

9 The single central record (SCR)

9.1 Each academy must maintain a single central record. The single central record will include all employees, supply staff, relevant contractors and volunteers.

9.2 The SCR will be checked by Ofsted. The SCR can be checked at any time by a nominated governor or Focus-Trust representative.

9.3 Academies now have a legal duty to report to the DBS anyone who has harmed, or poses a risk of harm to, a child or vulnerable adult where:

- the harm test is satisfied in respect of that individual;
 - the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and
 - the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left
- The legal duty to refer applies equally in circumstances where an individual is deployed to another area of work that is not regulated activity, or they are suspended

10 Dealing with allegations of abuse against staff and volunteers

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

10.2 The Focus-Trust will always adhere to the framework and procedure for managing allegations provided by Working Together to Safeguard Children (2018) and Keeping Children Safe in Education 2018, Part four. This will be implemented in -line with the academy-specific Safeguarding and Child Protection Policy and locally agreed Local Safeguarding Partner / LSCB procedures.

10.3 The Focus-Trust will always liaise and cooperate fully with the relevant local authority's designated officer. The Principal or Head of HR will immediately consult with the designated officer regarding *any* allegation that appears to meet the criteria in Part four of Keeping Children Safe in Education 2018.

- 10.4 As a general rule, the Focus-Trust staff involved in a case will be:
- Head of HR
 - Chief Executive
 - Academy Principal (except where there is an allegation against the Principal)
- 10.5 When an allegation is made, the academy and Focus-Trust should make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.
- 10.6 It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned.
- 10.7 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.
- 10.8 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. The record 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.
- 10.9 Investigations
Where initial consideration in consultation with the local authority designated officer decides that the allegation does not involve a possible criminal offence, it will be for the employer to deal with. In such cases, if the nature of the allegation does not require formal disciplinary action, the Principal should institute appropriate action within five working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held in line with the disciplinary procedure.

Where further investigation is required to inform consideration of disciplinary action the Principal and the academy's HR adviser should discuss who will undertake that with the Chief Executive. In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the academy. In any case the investigating officer should aim to provide a report to the employer within ten working days.

On receipt of the report of the disciplinary investigation, the Principal and Head of HR should decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held in line with the agreed procedure.

10.10 Action in respect of false or malicious allegations

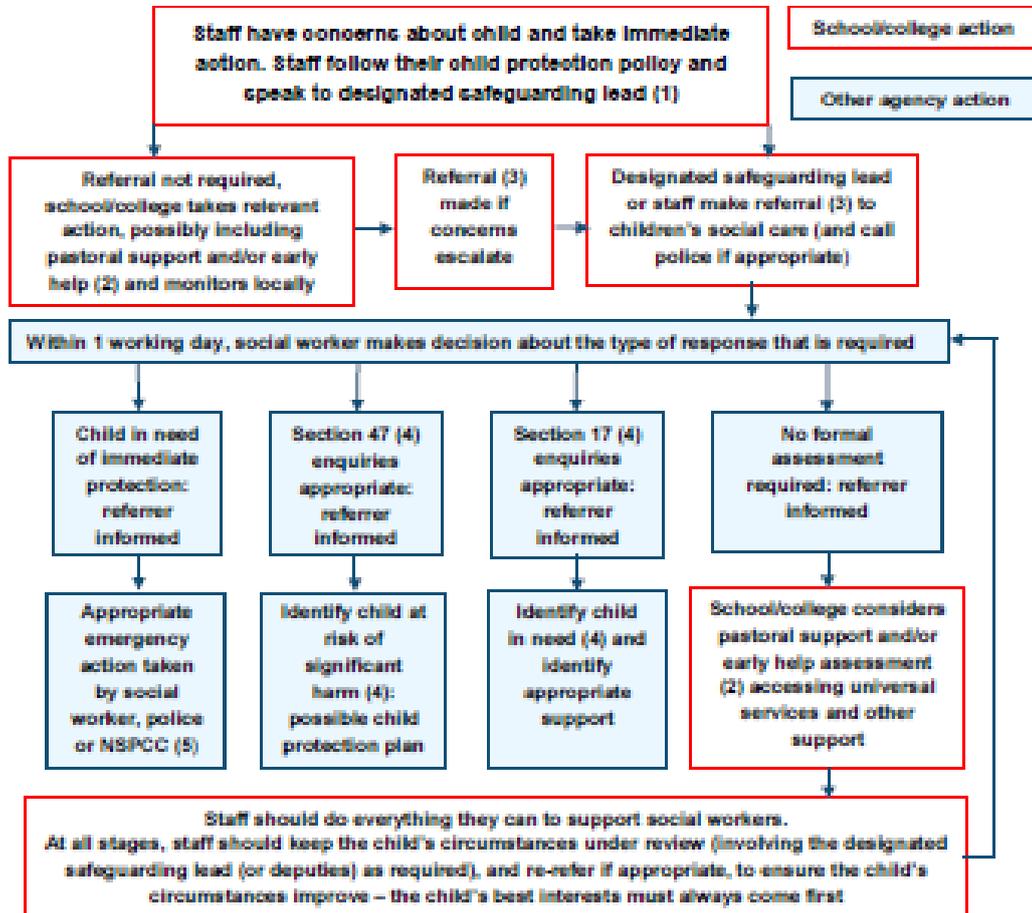
If an allegation is determined to be false, the LADO may refer the matter to children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the Principal will consider whether any disciplinary action is appropriate against the pupil who made it, or the police may be asked to consider whether any action might be appropriate against the person responsible if s/he was not a pupil.

10.11 Managing the situation, 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 - see 9.3. Academies must also consider whether a referral to the TRA is appropriate - see KCSIE 2018 paragraphs 118-119. 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 an academy 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 academy would not be complying with its legal duty to make the referral.

Keeping Children Safe in Education 2018

Actions where there are concerns about a child



(1) In cases which also involve a concern or an allegation of abuse against a staff member, see Part Four of this guidance.

(2) Early help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged. Chapter one of [Working Together to Safeguard Children](#) provides detailed guidance on the early help process.

(3) Referrals should follow the process set out in the local threshold document and local protocol for assessment. Chapter one of [Working Together to Safeguard Children](#).

(4) Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989. Under section 47 of the Children Act 1989, where a local authority has reasonable cause to suspect that a child is suffering or likely to suffer significant harm, it has a duty to make enquiries to decide whether to take action to safeguard or promote the child's welfare. Full details are in Chapter one of [Working Together to Safeguard Children](#).

(5) This could include applying for an Emergency Protection Order (EPO).

Process for Managing Allegations Against Staff and / or Volunteers

IT IS ALLEGED THAT

A teacher, member of staff or volunteer has:

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

- Person receiving information or observing incident records basic facts

Report to Principal who becomes the Case Manager

(Report to Chair of Governors (and Focus Trust CEO) if Allegation is against Principal)

- Case Manager begins timeline / record & ensures any immediate risk managed
- Without speaking to anyone else at this stage or investigating the matter, Case Manager may seek advice via HR / Working with Schools
- Any allegation MUST be reported IMMEDIATELY to the local authority's Designated Officer**
- Nature and context discussed and next steps agreed, including information sharing
- Recorded by case manager

- Following HR, designate officer and any CSC / Police advice, case manager ensures appropriate support for the adult who is the subject of the allegation.

Agreed that Matter to be Dealt with in and by School

- Ensure appropriate support for all
- Case Manager records, including formal outcome on HR file
- Consider any learning & share with HR, Trust, staff and parents

OR

Formal External Referral

- Case Manager completes referral to designated officer **and** any onward consultation / referral(s) to Children's Social Care and Police
- Discuss with HR **0161707 1520**
- Notify Helen Rowland, CEO Focus Trust **01457 821 813**

Back to school for internal action

Strategy Meeting

Police enquiries

s47 / CP

Manage confidentiality and any Media issues via Trust

Unfounded

False

Malicious

Unsubstantiated

Substantiated

Once external enquiries and processes have run their course, case manager discusses with designated officer and HR whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. DBS and TRA referrals made as required where harm test is met

Related documents	Academy-specific Child protection policies Working Together to Safeguard Children (2018) <u>Working Together to Safeguard Children 2018</u> Keeping Children Safe in Education (2018) <u>Keeping Children Safe in Education 2018</u> Statutory Framework for the Early Years Foundation Stage <u>EYFS 2017</u>
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Approved by	Trust Board on 5 th October 2018
Date of next review	August 2019 or earlier if new statutory guidance is published.
Distribution	Academies