

The Oval School



Safeguarding and Child Protection Policy

Date Ratified: March 2018

Signed by: *C Hayes*
On behalf of School Governors

Signed by: *D Williams*
Headteacher

Review Date: March 2019

Introduction

Safeguarding our pupils is our first priority across all aspects of a school's work. We have a series of policies and procedures that help to ensure the wellbeing and safety of our children at all times.

These include:

- Safer recruitment procedures - stringent vetting procedures in place for staff and other adults who work in school.
- Child protection arrangements that are accessible to everyone, from children in Early Years Foundation Stage (EYFS), Key Stage 1 (KS1) and Key Stage 2 (KS2), so that pupils and families, as well as adults in the school, know who they can talk to if they are worried.
- Excellent communication systems that ensure accurate and thorough recording of issues and clear, concise communication with parents and external agencies.
- Regular training in safeguarding for all staff and governors.
- Robust arrangements for site security, understood and applied by staff and pupils.
- Well thought out and workable day-to-day arrangements to protect and promote pupils' health and safety.
- A curriculum that is flexible, relevant and engages pupils' interest; that is used to promote safeguarding, not least through teaching pupils how to stay safe, how to protect themselves from harm and how to take responsibility for their own and others' safety.
- High expectations of pupils to consistently demonstrate courteous and responsible behaviour, enabling everyone to feel secure and well-protected.
- Rigorous monitoring of absence, with timely and appropriate follow-up, to ensure that pupils attend regularly.

The information below sets out our processes and links to other relevant policies. Copies of this policy are available on our website ([LINK](#)). Paper copies are available from the school office

Policy agreed by the Local Governing Body on

Review date

Signed

Signed

Chair of Local Governing Body

Headteacher

[Safeguarding Statement of Intent](#)

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SAFEGUARDING & CHILD PROTECTION POLICY

The Oval School is committed to safeguarding and promoting the welfare of all its pupils. We believe that all staff and visitors have an important role to play in child protection.

We believe:

- All children have the right to be protected from harm
- Children need to be safe and to feel safe in school
- Schools can contribute to the prevention of abuse
- Children need support which matches their individual needs, including those who may have experienced abuse

The Oval School will fulfil local and national responsibilities as laid out in the following documents:-

- **Keeping Children Safe in Education (DfE 2016)**
- **Working Together to Safeguard Children (DfE 2015)**
- **The Procedures of Birmingham Safeguarding Children Board**
- **The Children Act 1989**
- **The Education Act 2002 s175 / s157**

Currently the nominated **DSL staff** in the School and Children's Centre are:

- **Dawn Williams – Headteacher**
- **Joanne Harris – Headteacher**
- **Manju Chadda – Assistant Headteacher**
- **Pam Gayle – SEN Teacher**
- **Janaki Shah – Pastoral Worker**

4. OVERALL AIMS

4.B This policy will contribute to the prevention of abuse by:

- Clarifying standards of behaviour for staff and pupils
- Introducing appropriate work within the curriculum
- Developing staff awareness of the causes of abuse
- Encouraging pupils and parental participation in practice
- Addressing concerns at the earliest possible stage

1.2 This policy will contribute to the protection of our pupils by:

- Including appropriate work within the curriculum
- Implementing child protection policies and procedures
- Working in partnership with pupils, parents and agencies

1.3 This policy will contribute to supporting our pupils by:

- Identifying individual needs where possible
- Designing plans to meet needs

2. KEY PRINCIPLES

2.1 These are the key principles of child protection work, as stated by Birmingham Safeguarding Children Board:

- ***Always see the child first***
- ***Never do nothing***
- ***Do with, not to, others***
- ***Do the simple things better***
- ***Have conversations, build relationships***
- ***Outcomes not outputs***

3. KEY PROCESSES

3.1 All staff should be aware of the guidance issued by Birmingham Safeguarding Children Board on –

- [Right Services Right Time](#), and
- [What Constitutes a Good Referral?](#)

4. EXPECTATIONS

4.1 All staff and visitors will:

- Be familiar with this child protection policy
- Be alert to signs and indicators of possible abuse (See Appendix One for current definitions of abuse and examples of harm)
- Record concerns, where appropriate using CPOMS and give the record to the Designated Safeguarding Lead - **Dawn Williams or any other DSL on the staff list**
- Deal with a disclosure of abuse from a child in line with the guidance in Appendix Two – you must inform the Designated Safeguarding Lead immediately, and provide a written account as soon as possible
- Be involved in the implementation of individual education programmes and interagency child protection plans, child in need plans and integrated support plans
- Be subject to Safer Recruitment processes and checks whether they are new staff, supply staff, contractors, volunteers etc

5. THE DESIGNATED SAFEGUARDING LEAD – DSL

5.1 drb Ignite Multi Academy Trust ensures that the Designated Safeguarding Lead in all schools is a member of the Senior Leadership Team and that the Senior Leadership Team has the lead responsibility, management oversight and accountability for child protection. At The Oval School this is **Dawn Williams**. They will be responsible for coordinating all child protection activity.

5.2 The Designated Safeguarding Lead for child protection will lead regular case monitoring reviews of vulnerable children. These reviews must be evidenced by minutes and recorded in case files.

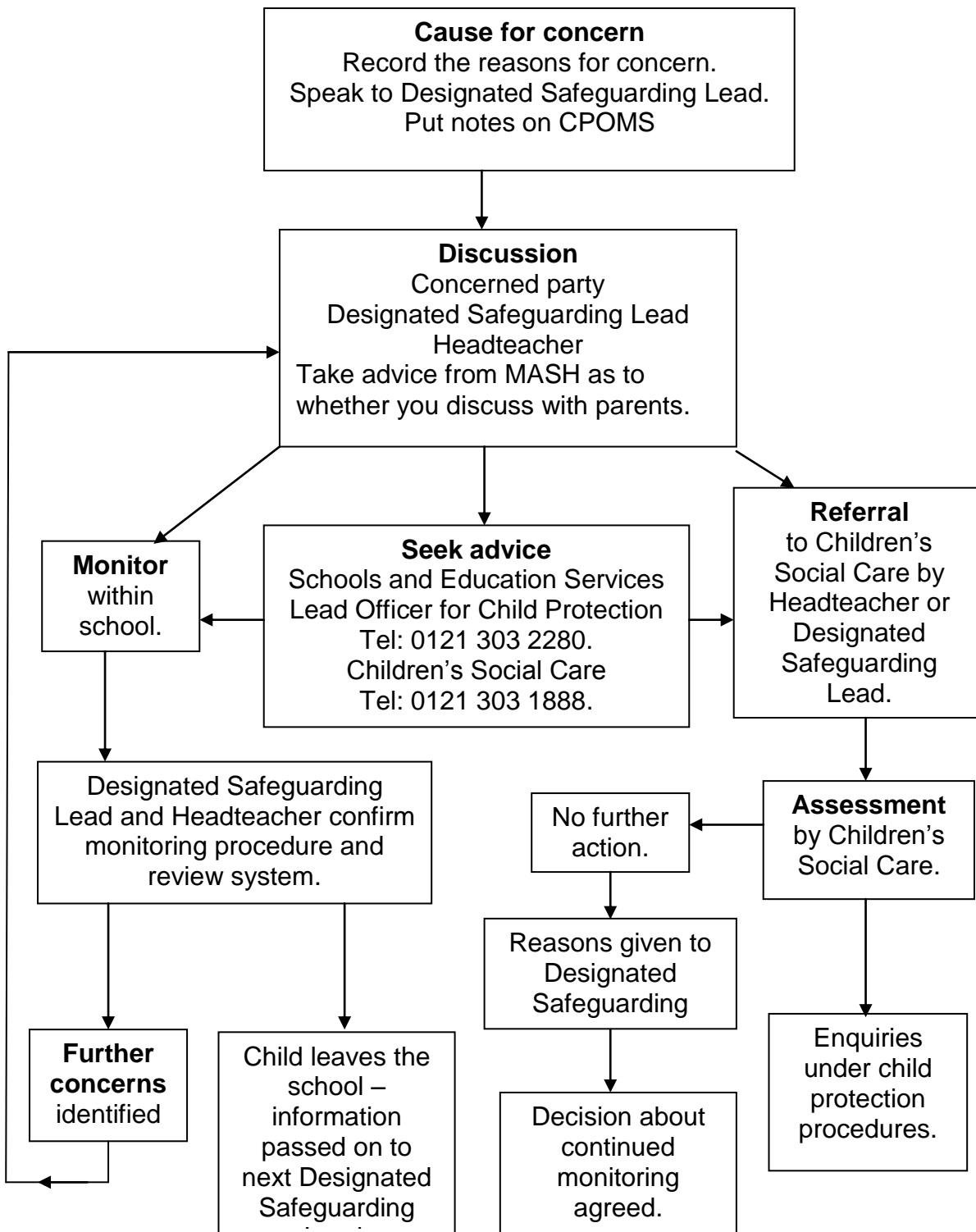
- 5.3 Where the school has concerns about a child, the Designated Safeguarding Lead will decide what steps should be taken and should advise the Headteacher.
- 5.4 Child protection information will be dealt with in a confidential manner. Staff will be informed of relevant details only when the Designated Safeguarding Lead feels their having knowledge of a situation will improve their ability to deal with an individual child and / or family. A written record will be made of what information has been shared with whom, and when. All concerns will be updated onto the CPOMS document, which provides an ongoing chronology.
- 5.5 Record keeping and information storage – Child protection records will be stored securely in a locked central place separate from academic records. Individual files will be kept for each child and where appropriate family files will also be maintained. Files will be kept for at least the period during which the child is attending the school, and beyond that, in line with current data legislation.
- 5.6 Access to these records by staff other than by the Designated Safeguarding Lead will be restricted, and a written record will be kept of who has had access to them and when. The CPOMS programme provides a full chronology of concerns and any actions taken to address them.
- 5.7 Parents will be aware of information held on their children and kept up to date regarding any concerns or developments by the appropriate members of staff. General communications with parents will be in line with any home school policies and give due regard to which adults have parental responsibility.
- 5.8 Do not disclose to a parent any information held on a child if this would put the child at risk of significant harm.**
- 5.9 If a pupil moves from our school, child protection records will be forwarded on to the Designated Safeguarding Lead at the new school, with due regard to their confidential nature. Transferring schools will forward child protection records to their new destination in their entirety. Schools are permitted to keep a copy of the chronology sheet for their own records. Contact between the two schools may be necessary, especially on transfer from primary to secondary schools. We will record where and to whom the records have been passed and the date.
- 5.10 If sending by post pupil records will be sent by “Special/Recorded Delivery”. For audit purposes a note of all pupil records transferred or received should be kept in either paper or electronic format. This will include the child’s name, date of birth, where and to whom the records have been sent and the date sent and/or received.
- 5.11 If a pupil is permanently excluded and moves to a Pupil Referral Unit, child protection records will be forwarded on to the relevant organisation.
- 5.12 Where a vulnerable young person is moving to a Further Education establishment, consideration should be given to the pupil’s wishes and feelings on their child protection information being passed on in order that the FE establishment can provide appropriate support.
- 5.13 All DSLs will be given a Job Description – please see Appendix 4.

- 5.14 When a Designated Safeguarding Lead resigns their post or no longer has child protection responsibility, there should be a full face to face handover/exchange of information with the new post holder.
- 5.15 In exceptional circumstances when a face to face handover is unfeasible, the Headteacher will ensure that the new post holder is fully conversant with all procedures and case files.
- 5.16 If there is no DSL on-site and they are not contactable off site, the Headteacher/Headteacher in charge should phone the Local Authority Duty Team for advice or contact the MAT Board.

6. THE GOVERNING BODY

- 6.1 The Nominated Governor for child protection at the school is **Mr Imran Hanif**. The Nominated Governor is responsible for liaising with the Headteacher and Designated Safeguarding Lead over all matters regarding child protection issues. The role is strategic rather than operational – they will not be involved in concerns about individual pupils.
- 4.B The nominated Governor will liaise with the Headteacher and the Designated Safeguarding Lead to produce a termly report for Governors.
- 6.3 The Governing Body will ensure that the school:
- Has a safeguarding and child protection policy in accordance with the procedures of the National and Birmingham Safeguarding Children Board
 - Operates, “safer recruitment” procedures and ensures appropriate checks are carried out on all new staff and relevant volunteers
 - Has at least one senior member of the school’s leadership team acting as a Designated Safeguarding Lead for Child Protection
 - Ensures that the Designated Safeguarding Lead attends appropriate refresher training every two years
 - Ensures that the Headteacher and all other staff who work with children undertake training every year
 - Ensures that temporary staff and volunteers are made aware of the school’s arrangements for child protection and their responsibilities
 - Remedies any deficiencies or weaknesses brought to its attention without delay
 - Has procedures for dealing with allegations of abuse against staff/volunteers
 - Carries out Enhanced DBS Checks for all Governors
 - The MAT will also undertake DBS checks for Directors.
- 6.4 The Governing Body reviews its policies/procedures annually and also undertakes annual training sessions.
- 6.5 A member of the Governing Body (usually the Chair) is nominated to be responsible for liaising with the local authority and other partner agencies in the event of allegations of abuse being made against the Headteacher.

RESPONDING TO CONCERNS ABOUT A CHILD



NB: CPOMS should be updated at each stage

WORKING WITH OTHER AGENCIES TO PROTECT CHILDREN

7. INVOLVING PARENTS / CARERS

- 7.1 In general, we will discuss concerns with parents / carers before approaching other agencies, and will seek their consent to making a referral to another agency. Appropriate staff will approach parents / carers after consultation with the Designated Safeguarding Lead. However there may be occasions when the school will contact another agency **before** informing parents/carers because it considers that contacting them may increase the risk of significant harm to the child.
- 7.2 Parents / carers will be informed about our safeguarding and child protection policy through the website, notice boards and newsletter.

8. MULTI-AGENCY WORK

- 8.1 We work in partnership with other agencies in the best interests of the children. The school will, where necessary, liaise with the school nurse and doctor, and make referrals to Children's Social Care. Professionals from health, police, housing and family support are also invited to share any concerns ~ where necessary authorisation from every family will be agreed. We have facilities to host professional and other statutory meetings on the school site.
- 8.2 Referrals should be made by the Designated Safeguarding Lead to the Information, Advice Support Service (0121 303 1888). Where the child already has a safeguarding social worker, the request for service should go immediately to the social worker involved, or in their absence to their team manager. We will co-operate with any child protection enquiries conducted by Children's Social Care. The school will ensure representation at appropriate inter-agency meetings such as initial and review child protection conferences, core group meetings and integrated support plan meetings.
- 8.3 We will provide reports as required for these meetings. If the school is unable to attend, a written report will be sent. The report will, wherever possible, be shared with parents / carers at least 24 hours prior to the meeting.
- 8.4 Where a child in school is subject to an inter-agency child protection plan or a multi-agency risk assessment conference (MARAC) meeting, the school will contribute to the preparation, implementation and review of the plan as appropriate.

9. OUR ROLE IN THE PREVENTION OF ABUSE

- 9.1 We will identify and provide opportunities for children from EYFS to KS2 to develop skills, concepts, attitudes and knowledge to promote their safety and well-being.

The Curriculum

- 9.2 Relevant issues will be addressed through the PSHE curriculum that will ensure that children from EYFS to KS2 are taught about safeguarding. For example, self esteem, emotional literacy, assertiveness, power, sex and relationship education, e-safety and the prevention of peer on peer abuse whose processes are detailed

in the policies – refer to Section 18 and Appendices 4-10. Drb Ignite MAT schools have in place a monitoring regime, such as Policy Central.

- 9.3 Relevant issues will be addressed through other areas of the curriculum, for example, circle time, English, History, Drama, Art.

Other areas of work

- 9.4 All our policies which address issues of power and potential harm, for example bullying, equal opportunities, handling, positive behaviour, will be linked to ensure a whole school approach.
- 9.5 Our child protection policy cannot be separated from the general ethos of the school, which should ensure that all children from EYFS through to KS2 are treated with respect and dignity, feel safe, and are listened to.

10. OUR ROLE IN SUPPORTING CHILDREN

- 10.1 We will offer appropriate support to individual children from EYFS to KS2 who have experienced abuse or who have abused others through work with our Pastoral Team or other agencies. When ‘small’ concerns arise teachers will communicate with parents referring to a DSL for advice or further support. A note of action taken is to be kept updated on CPOMS.
- 10.2 A plan will be devised for, implemented and reviewed regularly for these children and this may include, introduction to our Nurture Group or daily contact with the Pastoral Team or School Nurse. This plan will detail areas of support, who will be involved, and the child’s wishes and feelings.
- 10.3 Children and young people who abuse others will be responded to in a way that meets their needs as well as protecting others within the school community through a multi-agency risk assessment. We will ensure that the needs of children and young people who abuse others will be considered separately from the needs of their victims.
- 10.4 We will ensure the school works in partnership with parents / carers and other agencies as appropriate.

11. A SAFER SCHOOL CULTURE

Safer Recruitment and Selection

- 11.1 The school pays full regard to ‘Keeping Children Safe in Education (DfE 2016)’. Safer recruitment practice includes scrutinising applicants, verifying identity and academic or vocational qualifications, obtaining professional and character references, checking previous employment history and ensuring that a candidate has the health and physical capacity for the job. It also includes undertaking interviews and undertaking appropriate checks through the Disclosure and Barring Service (DBS). Following Keeping Children Safe in Education 2016, the NCTL Teachers’ Service System now gives restriction information about Teachers from the European Economic Area (EEA). These checks MUST be recorded for staff from these countries. The ‘Prohibition from teaching’ check must be completed for EVERYONE engaged in ‘teaching work’ whether a qualified teacher or not and recorded on the Single Central Record.

- 11.2 All recruitment materials will include reference to the school's commitment to safeguarding and promoting the wellbeing of pupils.
- 11.3 Joanne Harris, Dawn Williams and Julie Gouldbourn have undertaken CWDC/NCSL Safer Recruitment training. (One of the above will be involved in all staff / volunteer recruitment processes and sit on the recruitment panel). See **Appendix 7** for the Safer Recruitment policy.

Staff support and training

- 11.4 All DSLs receive training and attend follow up training at the end of the 2 years. In addition they will have a yearly update provided by the MAT. All staff receive annual training on how to spot signs of child abuse and the necessary actions to take. Existing and new staff have completed the Childcare Disqualifications Regulations form and have been issued with the *Keeping Children Safe in Education – sections 1 – 2016*. The training will make clear differences between safeguarding concerns and immediate danger or at risk of harm and know how to act accordingly. Staff delivering training will make sure that staff have read and understood the content of the guidance. Staff will then be asked to sign the training register to confirm this.
- 11.5 Staff also received training annually for medical issues and Prevent training.
- 11.5 We recognise the stressful and traumatic nature of child protection work. We will support staff by providing an opportunity to talk through their anxieties with the Designated Safeguarding Lead and to seek further support as appropriate. Designated Safeguarding Lead staff can attend monthly supervision sessions.

12. RESPONDING TO AN ALLEGATION ABOUT A MEMBER OF STAFF

See also Birmingham Safeguarding Children Board Procedures [Section 16](#): (Appendix 3) Child Protection in Education Establishments Catering for Children and Young People Aged 19 or Under.

- 12.1 This procedure should be used in any case in which it is alleged that a member of staff, Governor, visiting professional 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
 - Behaved in a way that indicates s/he is unsuitable to work with children
- 12.2 Although it is an uncomfortable thought, it needs to be acknowledged that there is the potential for staff in school to abuse children.
- 12.3 All staff working within our organisation must report any potential safeguarding concerns about an individual's behaviour towards children and young people immediately. Allegations or concerns about colleagues and visitors must be reported direct to the Headteacher unless the concern relates to Headteacher. If the concern relates to the Headteacher, it must be reported immediately to the Assistant Director Safeguarding and Development in Children's Social Care, who will liaise with the Chair of Governors and they will decide on any action required.
- 12.4 All staff and Governors sign to agree to their Code of Conduct and they are issued with the current Whistle Blowing policy.

13. CHILDREN WITH ADDITIONAL NEEDS

- 13.1 The Oval School recognises that while all children in EYFS, KS1 & KS2 have a right to be safe, some children may be more vulnerable to abuse, for example those with a disability or special educational need, those living with domestic violence or drug / alcohol abusing parents, etc.
- 13.2 When the school is considering excluding, either fixed term or permanently, a vulnerable pupil and / or a pupil who is the subject of a child protection plan or where there is an existing child protection file, we will call a multi-agency risk-assessment meeting prior to making the decision to exclude. In the event of a one-off serious incident resulting in an immediate decision to exclude, the risk assessment *must* be completed prior to convening a meeting of the Governing Body.
- 13.3 For further information, please refer to **Appendix 4 – SEN & Children with Medical Conditions** policies.

14. CHILDREN IN SPECIFIC CIRCUMSTANCES

- 14.1 Guidance on children in specific circumstances is in Birmingham Safeguarding Children Board's procedures as listed below

[Section 11](#): Children and Families Moving Into and Out of Birmingham

[Section 12](#): Missing Children for whom there are Child Protection Concerns

[Section 13](#): Safeguarding Children and Young People from Sexual Exploitation

[Section 14](#): Fabricated and Induced Illness

[Section 15](#): Complex (Organised or Multiple) Abuse

[Section 17](#): Female Genital Mutilation

[Section 18](#): Children and Young People who Abuse Other Children

[Section 19](#): Children Left at Home Alone

[Section 20](#): Working with Parents who have Mental Health Problems

[Section 21](#): Forced Marriage

[Section 23](#): Domestic Violence and Abuse

[Section 24](#): Neglect

[Section 25](#): Substance Misuse by Parents

[Section 26](#): Families Who Resist Change

[Section 27](#): Working with Parents who have a Learning Disability

[Section 28](#): Concerns about Children and Young People Involved in Underage Sexual Activity

[Section 30](#): Safeguarding Children with Disabilities

[Section 33](#): Professional Disagreements

[Section 34](#): Safeguarding Children who may have been Trafficked

DEFINITIONS AND INDICATORS OF ABUSE

4. NEGLECT

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

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- Protect a child from physical and emotional harm or danger;
- Ensure adequate supervision (including the use of inadequate care-givers); or
- Ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

The following may be indicators of neglect (this is not designed to be used as a checklist):

- Constant hunger;
- Stealing, scavenging and/or hoarding food;
- Frequent tiredness or listlessness;
- Frequently dirty or unkempt;
- Often poorly or inappropriately clad for the weather;
- Poor school attendance or often late for school;
- Poor concentration;
- Affection or attention seeking behaviour;
- Illnesses or injuries that are left untreated;
- Failure to achieve developmental milestones, for example growth, weight;
- Failure to develop intellectually or socially;
- Responsibility for activity that is not age appropriate such as cooking, ironing, caring for siblings;
- The child is regularly not collected or received from school; or
- The child is left at home alone or with inappropriate carers

2. PHYSICAL ABUSE

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

The following may be indicators of physical abuse (this is not designed to be used as a checklist):

- Multiple bruises in clusters, or of uniform shape;
- Bruises that carry an imprint, such as a hand or a belt;
- Bite marks;

- Round burn marks;
- Multiple burn marks and burns on unusual areas of the Body such as the back, shoulders or buttocks;
- An injury that is not consistent with the account given;
- Changing or different accounts of how an injury occurred;
- Bald patches;
- Symptoms of drug or alcohol intoxication or poisoning;
- Unaccountable covering of limbs, even in hot weather;
- Fear of going home or parents being contacted;
- Fear of medical help;
- Fear of changing for PE;
- Inexplicable fear of adults or over-compliance;
- Violence or aggression towards others including bullying; or
- Isolation from peers

3. SEXUAL ABUSE

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. 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 act of sexual abuse, as can other children

The following may be indicators of sexual abuse (this is not designed to be used as a checklist):

- Sexually explicit play or behaviour or age-inappropriate knowledge;
- Anal or vaginal discharge, soreness or scratching;
- Reluctance to go home;
- Inability to concentrate, tiredness;
- Refusal to communicate;
- Thrush, persistent complaints of stomach disorders or pains;
- Eating disorders, for example anorexia nervosa and bulimia;
- Attention seeking behaviour, self-mutilation, substance abuse;
- Aggressive behaviour including sexual harassment or molestation;
- Unusual compliance;
- Regressive behaviour, enuresis, soiling;
- Frequent or open masturbation, touching others inappropriately;
- Depression, withdrawal, isolation from peer group;
- Reluctance to undress for PE or swimming; or
- Bruises or scratches in the genital area.

4. SEXUAL EXPLOITATION

Child sexual exploitation occurs when a child or young person, or another person, receives “something” (for example food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of the child/young person performing sexual activities, or another person performing sexual activities on the child/young person.

The presence of any significant indicator for sexual exploitation should trigger a referral to children’s social care. The significant indicators are:

- Having a relationship of concern with a controlling adult or young person (this may involve physical and/or emotional abuse and/or gang activity).
- Entering and/or leaving vehicles driven by unknown adults;
- Possessing unexplained amounts of money, expensive clothes or other items;
- Frequenting areas known for risky activities;
- Being groomed or abused via the Internet and mobile technology; and
- Having unexplained contact with hotels, taxi companies or fast food outlets.

5. EMOTIONAL ABUSE

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may also involve seeing or hearing the ill-treatment of another person. It may involve serious bullying (including cyber bullying), 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

The following may be indicators of emotional abuse (this is not designed to be used as a checklist):

- The child consistently describes him/herself in very negative ways – as stupid, naughty, hopeless, ugly;
- Over-reaction to mistakes;
- Delayed physical, mental or emotional development;
- Sudden speech or sensory disorders;
- Inappropriate emotional responses, fantasies;
- Neurotic behaviour: rocking, banging head, regression, tics and twitches;
- Self harming, drug or solvent abuse;
- Fear of parents being contacted;
- Running away;
- Compulsive stealing;
- Appetite disorders – anorexia nervosa, bulimia; or
- Soiling, smearing faeces, enuresis.

N.B.: Some situations where children stop communication suddenly (known as “traumatic mutism”) can indicate maltreatment.

6. RESPONSES FROM PARENTS

Research and experience indicates that the following responses from parents may suggest a cause for concern across all four categories:

- Delay in seeking treatment that is obviously needed;
- Unawareness or denial of any injury, pain or loss of function (for example, a fractured limb);
- Incompatible explanations offered, several different explanations or the child is said to have acted in a way that is inappropriate to her/his age and development;
- Reluctance to give information or failure to mention other known relevant injuries;
- Frequent presentation of minor injuries;
- A persistently negative attitude towards the child;
- Unrealistic expectations or constant complaints about the child;
- Alcohol misuse or other drug/substance misuse;
- Parents request removal of the child from home; or
- Violence between adults in the household.

7. DISABLED CHILDREN

When working with children with disabilities, practitioners need to be aware that additional possible indicators of abuse and/or neglect may also include:

- A bruise in a site that might not be of concern on an ambulant child such as the shin, might be of concern on a non-mobile child;
- Not getting enough help with feeding leading to malnourishment;
- Poor toileting arrangements;
- Lack of stimulation;
- Unjustified and/or excessive use of restraint;
- Rough handling, extreme behaviour modification such as deprivation of medication, food or clothing, disabling wheelchair batteries;
- Unwillingness to try to learn a child’s means of communication;
- Ill-fitting equipment. For example callipers, sleep boards, inappropriate splinting;
- Misappropriation of a child’s finances; or
- Inappropriate invasive procedures.

DEALING WITH A DISCLOSURE OF ABUSE

When a child tells me about abuse s/he has suffered, what must I remember?

- Stay calm.
- Do not communicate shock, anger or embarrassment.
- Reassure the child. Tell her/him you are pleased that s/he is speaking to you.
- Never enter into a pact of secrecy with the child. Assure her/him that you will try to help but let the child know that you will have to tell other people in order to do this. State who this will be and why.
- Tell her/him that you believe them. Children very rarely lie about abuse; but s/he may have tried to tell others and not been heard or believed.
- Tell the child that it is not her/his fault.
- Encourage the child to talk but do not ask “leading questions” or press for information.
- Listen and remember.
- Check that you have understood correctly what the child is trying to tell you.
- Praise the child for telling you. Communicate that s/he has a right to be safe and protected.
- Do not tell the child that what s/he experienced is dirty, naughty or bad.
- It is inappropriate to make any comments about the alleged offender.
- Be aware that the child may retract what s/he has told you. It is essential to record all you have heard.
- At the end of the conversation, tell the child again who you are going to tell and why that person or those people need to know.
- As soon as you can afterwards, make a detailed record of the conversation using the child’s own language. Include any questions you may have asked. Do not add any opinions or interpretations.

NB It is not education staff’s role to seek disclosures. Their role is to observe that something may be wrong, ask about it, listen, be available and try to make time to talk.

Immediately afterwards

You must not deal with this yourself. Clear indications or disclosure of abuse must be reported to Children’s Social Care without delay, by the Headteacher or the Designated Safeguarding Lead.

Children making a disclosure may do so with difficulty, having chosen carefully to whom they will speak. Listening to and supporting a child/young person who has been abused can be traumatic for the adults involved. Support for you will be available from your Designated Safeguarding Lead or Headteacher.

ALLEGATIONS ABOUT A MEMBER OF STAFF, GOVERNOR OR VOLUNTEER

4. Inappropriate behaviour by staff/volunteers could take the following forms:
 - **Physical**
For example the intentional use of force as a punishment, slapping, use of objects to hit with, throwing objects or rough physical handling.
 - **Emotional**
For example intimidation, belittling, scapegoating, sarcasm, lack of respect for children's rights, and attitudes that discriminate on the grounds of race, gender, disability or sexuality.
 - **Sexual**
For example sexualised behaviour towards pupils, sexual harassment, sexual assault and rape.
 - **Neglect**
For example failing to act to protect a child or children, failing to seek medical attention or failure to carry out an appropriate risk assessment.

2. If a child makes an allegation about a member of staff, Governor, visitor or volunteer the Headteacher should be informed immediately. The Headteacher should carry out an urgent initial consideration in order to establish whether there is substance to the allegation. The Headteacher should not carry out the investigation him/herself or interview pupils.

3. The Headteacher must exercise, and be accountable for, their professional judgement on the action to be taken, as follows –
 - If the actions of the member of staff, and the consequences of the actions, raise credible child protection concerns the Headteacher will notify the Local Authority Designated Officer (LADO) Team (Tel: 0121 675 1669). The LADO Team will advise about action to be taken and may initiate internal referrals within Children's Social Care to address the needs of children likely to have been affected.
 - If it is not clear whether the actions of the member of staff raise child protection concerns, the Headteacher must immediately seek advice from the Child Protection Manager for Schools and Education Services.
 - If the actions of the member of staff, and the consequences of the actions, do not raise credible child protection concerns, but do raise other issues in relation to the conduct of the member of staff or the pupil(s), these should be addressed through the school's own internal procedures.
 - If the Headteacher decides that the allegation is without foundation and no further formal action is necessary, all those involved should be informed of this conclusion, and the reasons for the decision should be recorded on the child protection file.

4. Where an allegation has been made against the Headteacher then the Chair of the Governing Body takes on the role of liaising with the LADO team in determining the appropriate way forward. For details of these specific procedures see the procedures of Birmingham Safeguarding Children Board, [Section 16](#) – as follows:-

Job Description ~ Designated Safeguarding Lead

The Governing Boards will appoint an appropriate senior member of staff, from the school Leadership Team, to the role of Designated Safeguarding Lead. The Designated Safeguarding Lead will take lead responsibility for safeguarding and child protection.

This person should have the appropriate status and authority within the school to carry out the duties of the post. They will be given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters, to take part in strategy discussions and inter-agency meetings – and/or to support other staff to do so – and to contribute to the assessment of children.

The Designated Safeguarding Lead at The Oval School is Dawn Williams ~ Headteacher

Deputy Designated Safeguarding Leads: Deputies will be trained to the same standard as the Designated Safeguarding Lead.

Activities of the Designated Safeguarding Lead can be delegated to appropriately trained Deputies, however the ultimate lead responsibility for child protection, remains with the Designated Safeguarding Lead. The Deputy Designated Safeguarding Leads are:

- **Joanne Harris – Headteacher**
- **Debra Hollis – Assistant Headteacher**
- **Pam Gayle – SEN Teacher**
- **Janaki Shah – Pastoral Worker**

Managing referrals

The Designated Safeguarding Leads are expected to:

- Refer cases of suspected abuse to the local authority children's social care as required
- Support staff who make referrals to local authority children's social care
- Refer cases to the local authority where there is a radicalisation concern as required
- Support staff who make these referrals to the local authority
- Refer cases where a person is dismissed or has left due to risk/harm to a child to the Disclosure and Barring Service as required
- Refer cases where a crime may have been committed to the Police as required

Work with others

- As required, liaise with the "case manager" and the designated officer(s) at the local authority for child protection concerns (all cases which concern a staff member).
- Liaise with staff on matters of safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies, act as a source of support, advice and expertise for staff.

Undertake training

- The Designated Safeguarding Lead and Deputies should undergo training to provide them with the knowledge and skills required to carry out the role. This training should be updated at least every two years.
- The Designated Safeguarding Lead should undertake Prevent awareness training.

In addition to the formal training set out above, their knowledge and skills should be refreshed ~ this might be via e-bulletins, meeting other designated safeguarding leads, or simply taking time to read and digest safeguarding developments at regular intervals, as required, but at least annually, to allow them to understand and keep up with any developments relevant to their role so they:

- 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 each member of staff has access to and understands the school's Child Protection Policy and procedures, especially new and part time staff
- Are alert to the specific needs of children in need, those with special educational needs and young carers
- Are able to keep detailed, accurate, secure written records of concerns and referrals
- Understand and support the school with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from EYFS through to KS2 from the risk of radicalisation
- Obtain access to resources and attend any relevant or refresher training courses
- Encourage a culture of listening to children from EYFS through to KS2 and taking account of their wishes and feelings, among all staff, in any measures the school or college may put in place to protect them

Raise Awareness

The Designated Safeguarding Leads should ensure that

- the school's child protection policies are known, understood and used appropriately
- the school's Child Protection Policy is reviewed annually (as a minimum)
- the procedures and implementation are updated and reviewed regularly, and work with the Governing Board regarding this
- the Child Protection Policy is available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the school in this
- Link with the local LSCB to make sure staff are aware of training opportunities and the latest local policies on safeguarding

Child Protection Files

- Where children leave the school ensure their child protection file is transferred to the new school as soon as possible. This should be transferred separately from the main pupil file, ensuring secure transit and confirmation of receipt should be obtained.

Availability

- During term time the Designated Safeguarding Leads should always be available (during school hours) for staff in the school to discuss any safeguarding concerns. Whilst generally speaking the Designated Safeguarding Leads would be expected to be available in person. In exceptional circumstances availability via phone and or Skype or other such mediums is acceptable
- It is a matter for individual schools and colleges and the Designated Safeguarding Lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.

SECTION 16 -

1. Introduction and Criteria

All allegations of abuse of children by those who work with children must be taken seriously. Allegations against any person, who works with children, whether in a paid or unpaid capacity, cover a wide range of circumstances.

This procedure should be applied when there is such an allegation or concern that a person who works with children, 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.

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include, but are not limited to, concerns relating to inappropriate relationships between members of staff and children or young people, for example:

Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);
'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc);
Possession of indecent photographs / pseudo-photographs of children;
Excessive use of force in restraining a child/young person;
Inappropriate use of isolation/restriction.

If concerns arise about the person's behaviour to her/his own children, the police and/or children's social care must consider informing the employer / organisation in order to assess whether there may be implications for children with whom the person has contact at work / in the organisation, in which case this procedure will apply.

Allegations of historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person's current employer or voluntary organisation or refer their family for assessment.

All references in this document to ' staff or members of staff' should be interpreted as meaning all paid or unpaid staff / professionals and volunteers, including for example foster carers, approved adopters and child minders. This chapter also applies to any person, who manages or facilitates access to an establishment where children are present.

2. Roles and Responsibilities

Working Together to Safeguard Children 2015 states:

County level and unitary local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be

taken without delay and in a coordinated manner. Local authorities should, in addition, have designated a particular officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. Any such officer, or team of officers, should be sufficiently qualified and experienced to be able to fulfil this role effectively, for example qualified social workers. Any new appointments to such a role, other than current or former designated officers moving between local authorities, should be qualified social workers. Arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer, or team of officers, without delay.

Local authorities should put in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children to employers and voluntary organisations. Local authorities should also ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

Each BSCB partner agency should identify a named Safeguarding officer with overall responsibility for:

Ensuring that the organisation deals with allegations in accordance with this procedure;
Making decisions in complex cases about whether any allegation or suspicion relating to a person in a position of trust requires referral to children's social care or the police;
Resolving any inter-agency issues;
Liaising with the Local Authority Designated Officer (LADO) Team on the subject.
Birmingham City Council has a Local Authority Designated Officer (LADO) Team who will:

Receive reports about allegations and to be involved in the management and oversight of individual cases;

Provide advice and guidance to employers and voluntary organisations;

Liaise with the police and other agencies;

Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;

Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the GMC etc. and

Chair strategy meetings where there is concern about a person in a position of trust.

The LADO Team can be contacted on Tel: 0121 675 1669.

Employers should appoint:

A designated safeguarding manager to whom allegations or concerns should be reported;
Another Safeguarding person to who reports should be made in the absence of the designated safeguarding manager or where that person is the subject of the allegation or concern.

The police detective inspector in the public protection unit will:

Have strategic oversight of the local police arrangements for managing allegations against staff and volunteers;

Liaise with Birmingham Safeguarding Children Board on the issue;

Ensure compliance with these procedures.

The police should designate a detective sergeant/s to:

Liaise with the Local Authority Designated Officer (LADO) team;

Take part in strategy meetings/discussions;

Review the progress of cases in which there is a police investigation;
Share information as appropriate, on completion of an investigation or related prosecution.

3. General Considerations Relating to Allegations Against Staff

Persons to be notified

When an allegation is made the employer must inform the LADO team within one working day and prior to any further investigation taking place.

The LADO team will advise the employer whether or not informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

The employer should seek advice from the LADO team, the police and / or children's social care about how much information should be disclosed to the suspected person.

Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the suspected person about the nature of any allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, or referral to the DBS and/or a regulatory body).

The suspected member of staff should:

Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;

Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;

If suspended, be kept up to date about events in the workplace.

Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder.

When an allegation is made against a foster carer, prospective adopter, or member of staff in a residential child care facility the registered person must notify Ofsted.

Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and suspected person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a

suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.

Section 13 of the Education Act 2011 places restrictions on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.

Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though the Magistrates' Court may dispense with them if it is satisfied that it is in the interests of justice to do so, having regard to the welfare of:

The person who is the subject of the allegation; and
The victim of the offence to which the allegation relates.
There is a right of appeal to the Crown Court.

This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers. 'School' includes academies, Free Schools, independent schools and all types of maintained schools. It is the policy of Birmingham Safeguarding Children Board that agencies should act as if similar restrictions applied in respect of other persons in a position of trust.

There is an offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

Support

The organisation, together with children's social care and / or police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

As soon as possible after an allegation has been received, the suspected member of staff should be advised to contact their union or professional association. Human resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

Suspension

Suspension is a neutral act and it should not be automatic. It should be considered in any case where:

There is cause to suspect a child is at risk of significant harm; or
The allegation warrants investigation by the police; or
The allegation is so serious that it might be grounds for dismissal.
The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

If a strategy meeting / discussion is to be held or if children's social care or the police are to make enquiries, the LADO team should canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or police.

If the suspension is lifted and the person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

Resignations and 'compromise agreements'

Every effort should be made to reach a conclusion in all cases even if:

The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;

It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

'Compromise agreements' must not be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). A settlement/compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer.

Organised abuse

Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. See Organised and Complex Abuse Procedure.

Whistle-blowing

All staff should be made aware of their organisation's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO team.

Timescales

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. The target timescales provided in the flowchart at the end of this chapter are realistic in most cases, but some cases will take longer because of their specific nature or complexity.

4. Initial Response to an Allegation or Concern

An allegation against a member of staff may arise from a number of sources (e.g. a report from a child, a concern raised by another adult in the organisation, or a complaint by a parent). It may also arise in the context of the member of staff and their life outside work or at home.

Initial action by person receiving or identifying an allegation or concern

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

Investigate or ask leading questions if seeking clarification;

Make assumptions or offer alternative explanations;

Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

They should:

Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said;

Sign and date the written record;

Immediately discuss the issue with the designated safeguarding manager, or where the designated safeguarding manager is absent or is the subject of the allegation, with the deputy or other appropriate Safeguarding manager.

Initial action by the designated safeguarding manager

Discussion with the named Safeguarding manager should lead to one or more of the following outcomes:

Outcome: Referral to children's social care - person in position of trust referral.

There are grounds to suspect that the person in a position of trust may have abused that position putting one or more children at risk of significant harm. In all such cases an immediate referral must be made to the LADO Team;

Outcome: Referral to children's social care of a child who may be at risk of significant harm.

There are grounds to suspect that the child has been abused but there is no reason to suspect that this is as a result of the actions of a person in a position of trust. In all such cases an immediate referral must be made to children's social care. Children's social care will carry out an assessment and decide whether to initiate s47 enquiries;

Outcome: Inform the regulatory body relevant to the role of the person in a position of trust.

For example Ofsted or the Care Quality Commission;

Outcome: No further action.

The person in a position of trust acted appropriately and therefore no further action is to be taken under these procedures;

Outcome: Review of internal policy & procedures.

The person in a position of trust has acted inappropriately but it is not a child protection issue: the action taken lay within the bounds of agency policy and procedures and there is therefore a need to review these policies and procedures. The decision that this outcome is, or is not, appropriate may depend on the level of knowledge and experience of the person in a position of trust;

Outcome: Disciplinary/training

The person in a position of trust has acted inappropriately but it is not a child protection issue; the action taken was in breach of accepted agency policies and procedures and disciplinary action and/or training may be needed;

Outcome: False allegation

The person in a position of trust is the subject of an unfounded allegation;

Outcome: Requires LADO advice

If the named Safeguarding manager has any doubt about whether the matter should be referred on, they should discuss the issues with the LADO team;

Outcome: Inform but not refer

In some cases the named Safeguarding manager may decide that a referral to children's social care is not required, but that it is likely that another person will report the matter to

one of the statutory agencies. In this situation it is best practice for the named Safeguarding manager to contact children's social care and the police and inform them of the circumstances.

The designated safeguarding manager will record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

If the designated safeguarding manager concludes that a professional may have put a child at risk of significant harm, s/he must report the allegation to the LADO team (Tel: 0121 675 1669) and discuss the decision in relation to the agreed threshold criteria in Section 1, Introduction and Criteria within one working day. Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the designated safeguarding manager should consult the children's social care emergency duty team (Tel: 0121 675 4806) or local police and inform the LADO team as soon as possible.

If a police officer receives an allegation, they should, without delay, report it to the designated detective sergeant on the public protection unit. The detective sergeant should then immediately inform the LADO team.

Similarly an allegation made to children's social care should be immediately reported to the LADO team.

Initial consideration by the designated safeguarding manager and the LADO team

There are up to three strands in the consideration of an allegation:

A police investigation of a possible criminal offence;

Children's social care enquiries and/or assessment about whether a child is in need of protection or services;

Consideration by an employer of disciplinary action.

A principal officer in the LADO team and the designated safeguarding manager should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO team should refer to children's social care and ask them to convene an immediate strategy meeting / discussion:

If a child is not believed to have suffered, or to be likely to suffer Significant Harm but a police investigation will continue, the principal officer should conduct this discussion with the police, the designated safeguarding manager and any other agencies involved to evaluate the allegation and decide how it should be dealt with;

This Evaluation discussion should take place within one working day and must consider how to take matters forward in a criminal process parallel with a disciplinary process or whether any disciplinary action will need to await the completion of the police enquiries and/or prosecution. The progress should be reviewed by the police no later than four weeks after the initial evaluation meeting and thereafter at fortnightly or monthly intervals.
Strategy meeting / discussion

Wherever possible, a strategy meeting / discussion should take the form of a meeting. However, on occasions a telephone discussion may be justified. The following is a list of possible participants:

The LADO team;
Social care manager to chair (if a Strategy Meeting);
Relevant social worker and their manager;
Detective sergeant;
The Designated and/or named Safeguarding Children Health Professional (CCG); and always when an allegation concerns a health agency worker /professional;
Consultant paediatrician;
Designated safeguarding manager for the employer concerned;
Human resources representative;
Legal adviser where appropriate;
Safeguarding representative of the employment agency or voluntary organisation if applicable;
Manager from the fostering service provider when an allegation is made against a foster carer;
Supervising social worker when an allegation is made against a foster carer;
Those responsible for regulation and inspection where applicable (e.g. CQC, GMC or Ofsted);
Where a child is placed or resident in the area of another authority, representative/s of relevant agencies in that area;
(The LADO responsible for coordinating investigations is the LADO for the area in which any alleged incident took place, but the agencies that have direct contact with the child may be in another area)
Complaints officer if the concern has arisen from a complaint.

The strategy meeting / discussion should:

Decide whether there should be a Section 47 Enquiry and / or police investigation and consider the implications;
Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
Consider the current allegation in the context of any previous allegations or concerns;
Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. section 93, Education and Inspections Act 2006 in respect of teachers and authorised staff);
Consider whether a complex abuse investigation is applicable; see Organised and Complex Abuse Procedure;
Plan enquiries if needed, allocate tasks and set timescales;
Decide what information can be shared, with whom and when.

The strategy meeting / discussion should also:

Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;
Consider what support should be provided to all children who may be affected;
Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
Ensure that investigations are sufficiently independent;
Make recommendations where appropriate regarding suspension, or alternatives to suspension;
Identify a lead contact manager within each agency;
Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;

Consider issues for the attention of senior management (e.g. media interest, resource implications);

Consider reports for consideration of barring;

Consider risk assessments to inform the employer's safeguarding arrangements;

Agree dates for future strategy meetings / discussions.

A final strategy meeting / discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

The strategy meeting / discussion should take in to account the following definitions when determining the outcome of allegation investigations:

Substantiated: there is sufficient identifiable evidence to prove the allegation;

False: there is sufficient evidence to disprove the allegation;

Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;

Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence.

Allegations against staff in their personal lives

If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The strategy meeting / discussion should decide whether the concern justifies:

Approaching the member of staff's employer for further information, in order to assess the level of risk of harm; and / or

Inviting the employer to a further strategy meeting / discussion about dealing with the possible risk of harm.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint strategy meeting / discussion convened.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible. In these circumstances, a strategy meeting / discussion should be convened to consider:

The ability and/or willingness of the member of staff to adequately protect the child/ren;

Whether measures need to be put in place to ensure their protection;

Whether the role of the member of staff is compromised.

5. Disciplinary Process

Disciplinary or suitability process and investigations

The LADO and the designated safeguarding manager should discuss whether disciplinary action is appropriate in all cases where:

It is clear at the outset or decided by a strategy meeting / discussion that a police investigation or LA children's social care enquiry is not necessary; or
The employer or LADO is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.
If disciplinary action is taken it will follow the disciplinary procedure of the person's employer.

Sharing information for disciplinary purposes

Wherever possible, police and children's social care should, during the course of their investigations and enquiries, obtain the consent of the person who is the subject of the investigation to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes. If consent is not given the employer should be notified quickly so that preparations can be made to obtain this information at the end of the criminal process.

If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.

If the person is convicted, the police should inform the employer and the LADO straight away so that appropriate action can be taken.

6. Record Keeping and Monitoring Progress

Record keeping

Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children.

Details of allegations that are found to be malicious should be removed from personnel records. For Education services see Keeping Children Safe in Education (DfE 2016).

Monitoring progress

The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review strategy meetings / discussions / initial evaluations or direct liaison with the police, Children's social care, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.

The LADO should keep comprehensive records in order to ensure that each case is being dealt with efficiently and that there are no undue delays. The records will also assist Birmingham Safeguarding Children Board to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department for Education (DfE) as required.

If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the strategy meeting / discussion / initial evaluation. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

7. Unsubstantiated, Substantiated and False Allegations

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.

Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the strategy meeting / discussion or initial evaluation should prepare a separate report of the enquiry and forward this to the designated safeguarding manager of the employer to enable them to consider what further action, if any, should be taken.

False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to Children's social care to determine whether the child is in need of services, or might have been abused by someone else.

If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate.

8. Allegations and Referrals to the DBS

Substantiated allegations

The Disclosure and Barring Service (DBS) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in the Protection of Freedoms Act 2012.

If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS).

If a referral is to be made; it should be submitted within one month of the allegation being substantiated.

Bodies with a legal duty to refer

The following groups have a legal duty to refer information to the DBS:

Regulated Activity suppliers (employers and volunteer managers);

Personnel suppliers;

Groups with a power to refer.

Bodies with the power to refer

The following groups have a power to refer information to the DBS:

Local authorities (safeguarding role);

Health and Social care (HSC) trusts (NI);

Education and Library Boards;

Keepers of registers e.g. General Medical Council, Nursing and Midwifery Council;

Supervisory authorities e.g. Care Quality Commission, Ofsted.

If the person being referred to the DBS is a teacher in England they should also be referred to the National College for Teaching and Leadership.

9. Learning Lessons

The employer and the LADO should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice.

10. Procedures in Specific Organisations

It is recognised that many organisations will have their own procedures in place, some of which may need to take into account particular regulations and guidance (e.g. schools and registered child care providers). Where organisations do have specific procedures, they should be compatible with these procedures and additionally provide the contact details for:

The designated safeguarding manager to whom all allegations should be reported;

The person to whom all allegations should be reported in the absence of the designated safeguarding manager or where that person is the subject of the allegation;

The LADO team.

Further Information

Keeping Children Safe in Education (DfE September 2016)

<u>Esafety Policy</u>	APPENDIX 6
<u>Anti-Bullying Policy</u>	APPENDIX 7
<u>Prevent Policy</u>	APPENDIX 8
<u>Safer Recruitment Policy</u>	APPENDIX 9
<u>Whistleblowing Policy</u>	APPENDIX 10
<u>SEN Policy</u>	APPENDIX 11
<u>Accessibilty Policy</u>	APPENDIX 12
<u>Medical Conditions Policy</u>	APPENDIX 13
<u>Safeguarding Statement</u>	APPENDIX 14
<u>Staff Code of Conduct</u>	APPENDIX 15