



## Safeguarding Policy

Including all of the Pre-Prep Department and Early Years Foundation Stage

CS

Updated September 2019

Summer Fields is committed to safeguarding and promoting the welfare of children. We expect all staff, governors and members of the school community to share this commitment and to become familiar with our Safeguarding Policy. This policy is available on the school website ([www.summerfields.com](http://www.summerfields.com)) and may also be obtained as a hard copy from the school office.

A6

Regulation Part 3, paragraphs 7(a) and (b) Part 3, paragraphs 8(a) and (b)

B2, B15

This is to confirm that the School's Safeguarding has been reviewed and approved.

	Signature	Name	Date
Chairman		AE Reekes	
Safeguarding Governor		D E J Sichel	
Head Master		DJC Faber	

Signed Copy stored in the School Office

Date: 01/09/2019

Date for review: 01/09/20

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## Key Points

**If you are worried that a child is being abused, neglected, or is in need of further support:**

1. Speak to Chris Sparrow (07872031567) who is the Designated Lead for Safeguarding. [cs@summerfields.com](mailto:cs@summerfields.com)
2. Speak to one of his Deputies: James Aldred, Head of Pastoral Care (07985967284) [jera@summerfields.com](mailto:jera@summerfields.com), David Faber, Headmaster (01865 459209) [headmaster@summerfields.com](mailto:headmaster@summerfields.com), Joanna Chapman, Head of Pre-Prep (01865 951252) [jgc@summerfields.com](mailto:jgc@summerfields.com) )
3. Speak to the Oxfordshire LADO, Alison Beasley (01865 815956). [Alison.Beasley@oxfordshire.gov.uk](mailto:Alison.Beasley@oxfordshire.gov.uk)
4. Speak to Oxfordshire Safeguarding Children Board (01865 815843) [oscb@oxfordshire.gov.uk](mailto:oscb@oxfordshire.gov.uk)
5. Speak to LCSS, or Oxfordshire MASH (0845 050 7666)

**If you are concerned that a member of staff or volunteer may be abusing a child you must straight away:**

1. Speak to the Headmaster, David Faber (01865459209) [headmaster@summerfields.com](mailto:headmaster@summerfields.com)
2. Speak to the DSL, Chris Sparrow (07872031567) [cs@summerfields.com](mailto:cs@summerfields.com)
3. Or speak to the Chairman of Governors, Andrew Reekes (01789490272) [aer@radley.org.uk](mailto:aer@radley.org.uk)

**If you are concerned about extremism or radicalisation:**

1. Call 0845 050 7666 – Oxfordshire MASH team will direct as appropriate
2. Or phone the police on 101 (non-emergency), or 999
3. Or go to [counter-extremism@education.gsi.gov.uk](mailto:counter-extremism@education.gsi.gov.uk) or phone 02073407264

## Introduction

Safeguarding and promoting the welfare of children (everyone under the age of 18) is defined for the purposes of this policy 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. Summer Fields supports this in an open environment where staff feel free to raise concerns, listen to children and are ready to involve other agencies. Staff are asked to be vigilant in looking for and reporting concerns if a child seems to be in need or at risk of abuse. The school will consider at all times what is in the best interests of the child.

Where a child is in need, or suffering significant harm, or is likely to, Summer Fields will take immediate action to protect that child. Action will also be taken to promote the welfare of a child in need of additional support, even if they are not suffering harm or are at immediate risk. Such action might be taken under section 17, section 44, or section 47 of the **Children Act 1989**.

This Policy takes account of local procedures set out by the Oxfordshire Safeguarding Children Board (OSCB) including their referral thresholds. Their full procedures can be viewed at [www.oscb.org.uk](http://www.oscb.org.uk)

It works in conjunction with other Summer Fields policies – in particular:

Safer Recruitment

Behaviour and Exclusions

E-Safety

Staff Code of Conduct/Staff Handbook/Boarding Handbook

Whistleblowing

Children Who go Missing (CME)

## 1. Safeguarding Information for all staff

### Staff Responsibilities

Everyone who comes into contact with children and their families has a role to play in safeguarding children. School staff (especially in a boarding school) are particularly important as they are in a position to identify concerns early and provide immediate appropriate help. Schools staff form part of the wider safeguarding system for children. This system is described in statutory guidance ***Working Together to Safeguard Children July 2018***. Summer Fields will work with parents, social care, the police, health services and other services to promote the welfare of children and protect them from harm. This policy pays due regard to ***Keeping Children Safe in Education 2019***

Summer Fields has a designated safeguarding lead, Chris Sparrow, who provides support to staff members to carry out their safeguarding duties and liaises closely with other services such as children's social care when children are in need.

The ***Teacher Standards 2012*** state that teachers, including headteachers, should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.

All school staff have a responsibility to provide a safe environment in which children can learn. All school staff have a responsibility to identify children who may be in need of extra help or who are suffering, or are likely to suffer, significant harm. All staff then have a responsibility to take appropriate action, working with other services as needed. In cases of need the school also has a network of educational specialists (Learning Support, SALT, OT, etc.), emotional help, and medical physical and mental help professionals to turn to.

In addition to working with the designated safeguarding lead, staff members should be aware that they may be asked to support social workers to take decisions about individual children.

### Staff knowledge (Including induction and training)

All staff members, including the Headmaster and volunteers, must be aware of systems at Summer Fields which support safeguarding. These will be explained as part of staff induction. This includes:

- i) Reading and signing the Summer Fields Safeguarding Policy which includes on-line safety
- ii) Reading and signing Summer Fields Staff Behaviour Policy & Whistle-blowing policy
- iii) Being introduced to the designated safeguarding lead and deputies – understanding their roles
- iv) Being given Part 1 of KCSIE 2019 which all staff have to read and understand. In addition school leaders and those who work directly with children must read Annex A
- v) Safeguarding Training including risks of radicalisation and how to identify children at risk including the management of a report of child-on-child sexual violence and sexual harassment and children who go missing from education

All staff will also receive appropriate child protection training which is regularly updated. This includes triannual generalist training for all staff and biannual specialist training for DSL and deputies in line with LSCB advice to include inter-agency working, Prevent and on-line safety. Regular updates are also given.

All staff must be aware of the signs of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Staff are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned. When concerned about the welfare of a child, staff members must always act in the interests of the child and follow the procedures detailed in this policy.

## EYFS

In the EYFS setting mobile phones must be locked away in the staff room. Only the school cameras or other school devices may be used to take photos which must be promptly downloaded to the school computer system and then deleted from the device. See Staff Behaviour policy for further guidance on photography.

## SEND and EAL

Summer Fields recognises that SEND and EAL pupils may be particularly vulnerable and the Learning Support department are particularly vigilant of this.

**All staff are required to read and understand *Keeping Children Safe in Education Part 1 & Annexe A***

Staff with any concerns about a child or who are unsure in any way can speak to the Designated Lead for Safeguarding. Parental consent is not required to make a referral. These concerns may arise from a child's time at school or away from school including in another setting.

Staff are also aware of the *Summer Fields Missing Child Policy* and Procedures which take account of ***Statutory guidance on children who run away or go missing from home or care January 2014.***

## What staff should do if they have a concern?

If staff have concerns about a child they must raise these with DSL without delay on the same day. This also includes situations of abuse which may involve staff members (or volunteers), although these will be passed on to the Headmaster.

If the allegation is about the DSL it must be raised with the Headmaster or in his absence the Chairman of Governors. If the allegation is about the headmaster it must also be raised with the Chairman of Governors. The DSL (or the Headmaster or the Chairman of Governors depending on the above) will make a referral without delay to children's social care, but it is important to note that any staff member can refer their concerns to children's social care directly (See ***Summer Fields Whistleblowing Policy*** and ***Government Advice on Whistleblowing***). Where a child is at risk social care will be contacted immediately. Allegations against anyone working at the school will be referred to the LADO within one working day. If a crime has been committed the matter will be reported to the police. Where a child and family would benefit from co-ordinated support from more than one agency (for example education, health, housing, police) there should be an inter-agency assessment arranged by social care. These assessments should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed via a statutory assessment under the ***Children Act 1989***. The early help assessment should be undertaken by a lead professional who could be a teacher, special educational needs co-ordinator, General Practitioner (GP), family support worker, and/or health visitor.

**If, at any point, there is a risk of immediate serious harm to a child a referral must be made to children's social care immediately. Anybody can make a referral. If the child's situation does not appear to be improving the staff member with concerns must press for re-consideration. Concerns should always lead to help for the child at some point.**

It is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and Serious Case Reviews have repeatedly shown the dangers of failing to take effective action. Poor practice includes: failing to act on and refer the early signs of abuse and neglect, poor record keeping, failing to listen to the views of the child, failing to re-assess concerns when situations do not improve, sharing information too slowly and a lack of challenge to those who appear not to be taking action.

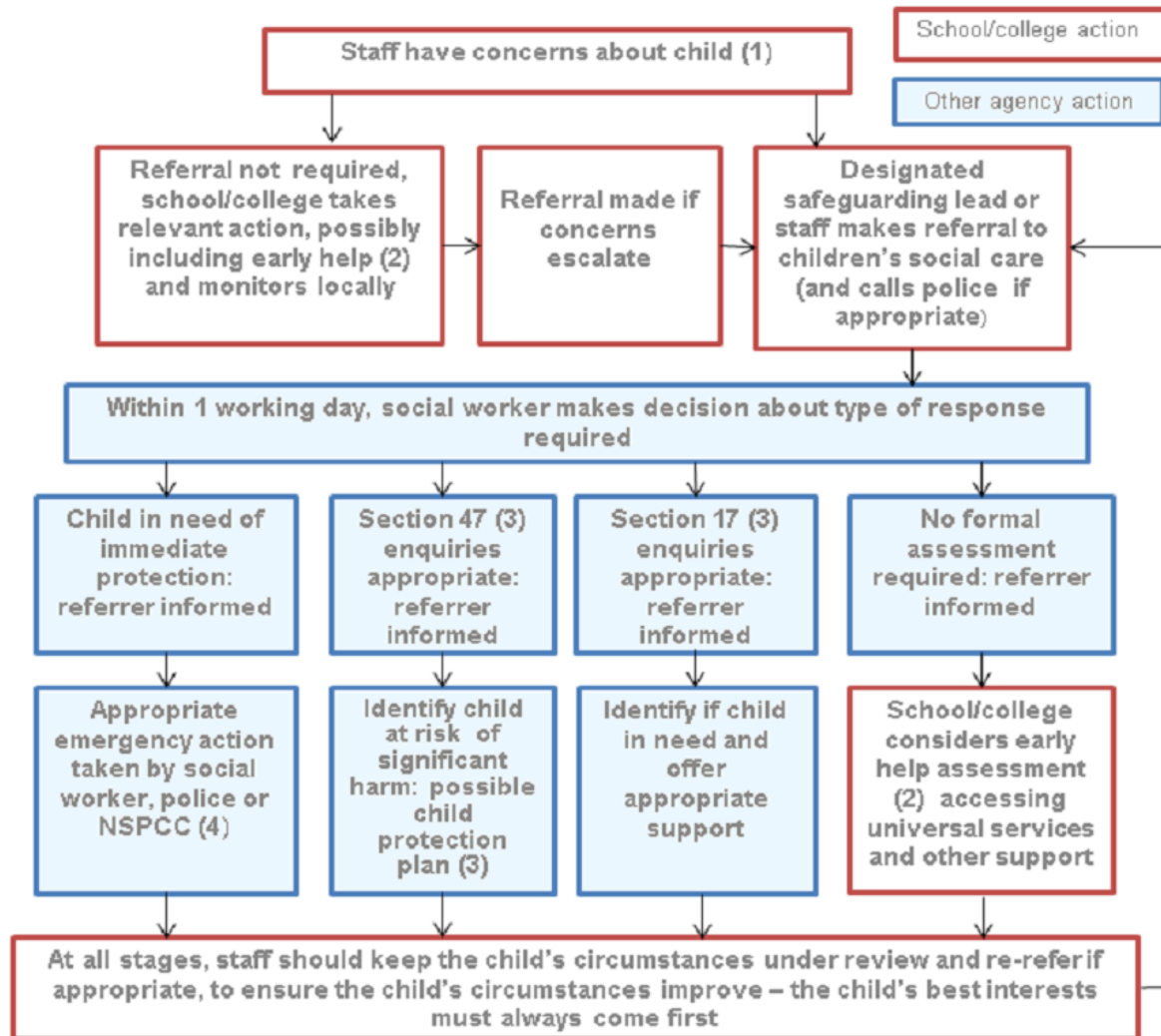
## Dealing with disclosure

This guidance must be followed in all cases of suspected abuse whether at school or away from it and if the alleged abuser is an adult, or adults, or another child, or children. Bullying becomes a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm.' (See Summer Fields anti-bullying policy and refer to OSCB thresholds for referrals).

- i) Any member of staff receiving a Disclosure must report it immediately to the Designated Safeguarding Lead, or his Deputy. Staff should not consider if it is worthy of reporting. All Disclosures must be reported without delay.
- ii) Children are not to be interviewed, nor asked leading questions, nor are Disclosures to be investigated. Basic facts must be gathered and recorded. These must be signed, dated and timed, and given to the DSL.
- iii) The child must be made aware that as much confidentiality as possible will be observed, but other people will need to know in order to stop the abuse. Staff must not make any promises.
- iv) Staff must consider if the child is in need of immediate protection and take appropriate steps.
- v) Reassure the child that they have done the right thing and listen to their views about what they want to happen next.



## Actions where there are concerns about a child



## **Types of abuse and neglect (Reference to KCSIE 2019)**

**Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet – abuse can take place wholly online). They may be abused by an adult, or adults, or another child, or children. Abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.

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

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

**Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. Child on child sexual violence and sexual harassment may also occur and must be taken seriously when reported to any adult.

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

**Signs of abuse:** Some signs of abuse may include: depression, low self-esteem, shyness, poor academic achievement, isolation, self-harm, neurosis, unusual wounds, eating disorders, and excessive behaviour. Most frequently changes in behaviour can be an indicator.

**Peer abuse:** Staff should also take care to monitor pupil relationships and the potential for peer abuse. Children can abuse other children. This may include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals.

## Specific safeguarding issues

Summer Fields also takes account of the following specific safeguarding issues. Some may seem unrelated to a boys boarding setting, but we must remember that they could occur to family members of boys. Staff who have either trained or read the associated guidance on each are indicated below. If staff have any concerns they must discuss them with the nominated person.

Expert and professional organisations provide up-to-date guidance and practical support on specific safeguarding issues. For example NSPCC offers information for schools and colleges on the TES website and also on its own website [www.nspcc.org.uk](http://www.nspcc.org.uk) Schools and colleges can also access broad government guidance on the issues listed below via the GOV.UK website:

- child sexual exploitation (CSE) – CS
- child missing from education, home or care – CS
- bullying including cyberbullying - DRW & DCP
- domestic abuse - CS
- drugs - CS
- fabricated or induced illness - Sisters
- faith abuse – MAI
- gangs – CS
- Honour Based Violence (HBV) – CS (including FGM & Forced marriage)
- female genital mutilation – CS. Summer Fields Recognises the requirement to report FGM or suspicion of FGM to the police. They will be contacted through the local MASH team on 08450507666
- forced marriage - CS
- gangs and youth violence - CS
- gender-based violence/violence against women and girls - CS
- mental health – Sisters & JERA
- private fostering - CS
- Preventing radicalisation – CS (DSL Trained & all teachers)
- sexting - DCP
- teenage relationship abuse - CS
- trafficking – CS
- upskirting (a criminal offence) - CS
- serious violence – CS

## 2. The management of safeguarding

### The responsibility of the governing body

The Governing Body ensures that they comply with their duties under legislation. They also have regard to ***Keeping Children Safe in Education (2019)*** to ensure that the policies, procedures and training at Summer Fields are effective and comply with the law at all times.

The Governing Body will review the policy and practice of Safeguarding annually and supply sufficiently detailed minutes to demonstrate the depth of this review. Safeguarding is a standing item on termly Governing Body meetings. The DSL discusses the termly Safeguarding report with the lead Governor for safeguarding before each meeting of the Governing Body. Safeguarding is also a standing item on the termly Compliance Committee which comprises members of the Senior Management Team and three Governors.

### Inter-agency working

The Governing Body ensure that Summer Fields contributes to inter-agency working in line with statutory guidance ***Working Together to Safeguard Children July 2018***. This includes providing a co-ordinated offer of early help when additional needs of children are identified and contributing to inter-agency plans to provide additional support to children subject to child protection plans, TACs and CAFs. Summer Fields allows access for children's social care from the host local authority and, where appropriate, from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment.

The Governing Body ensure that Summer Fields safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the OSCB. Section 10 of the Children Act 2004 requires a local authority to make arrangements to promote co-operation between itself and its relevant partners and other organisations who are engaged in activities relating to children. Under section 14B of the Children Act 2004 the LSCB can require a school or college to supply information in order to perform its functions; this must be complied with.

The Chair of Governors is nominated to liaise with the local authority and/or partner agencies on issues of child protection and in the event of allegations of abuse made against the headmaster, or member of governing body. Diana Sichel is the Governor with responsibility for Safeguarding.

### Safeguarding policy

The Governors ensure there is an effective safeguarding policy in place together with a staff behaviour policy (code of conduct, see - ***Summer Fields Staff Behaviour and Whistleblowing Policy***). Both are provided to all staff – including temporary staff and volunteers – on induction. The policy describes procedures which are in accordance with government guidance and refer to locally agreed inter-agency procedures put in place by the OSCB, are updated annually, and are available publicly via the Summer Fields website, or on request.

The Headmaster ensures that the policies and procedures adopted by governors, particularly concerning referrals of cases of suspected abuse and neglect, are followed by all staff.

### The designated safeguarding lead

The Governing body have appointed Chris Sparrow (a member of the leadership team) to the role of designated safeguarding lead. This is explicit in his job description (see Section 5 which describes the broad areas of responsibility). He has the appropriate authority and is 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. He is aware of, and uses, the OSCB Assessment Framework for Children in need of Support and Protection, and the OSCB guidance on thresholds for reporting cases. James

Aldred and David Faber are Deputy DSLs and cover for the DSL in his absence. Joanna Chapman, Head of Pre-Prep is also a Deputy DSL and lead for Safeguarding for the setting including EYFS

The DSL will liaise with the local authority and work with other agencies in line with Working Together to Safeguard Children July 2018. He deals regularly with the OSCB staff and is able to contact them for help and advice, including making 'no names' enquiries. He knows the LADO and her Deputies.

**If, at any point, there is a risk of immediate serious harm to a child a referral must be made to children's social care immediately. Anybody can make a referral.**

The DSL and his Deputies undergo updated child protection training (Level 3 - specialist) every two years. This includes child protection, inter-agency working, Prevent, on-line safety and locally agreed procedures. All staff and volunteers undergo child protection training (generalist) which is updated every three years, in line with advice from the OSCB. Regular informal updates are also provided when appropriate. The DSL has been trained by OSCB to deliver their training materials to Summer Fields staff on their behalf. All training records are kept by HR.

### **Technology & E-Safety**

The computer network is professionally filtered to stop access to inappropriate material and boys are restricted from sites such as chat rooms and social media. In addition, any attempts to access sites considered inappropriate, or any searches that raise safeguarding or Prevent concerns are reported automatically to the DSL. This is emailed as a daily report, but the DSL is informed immediately by phone if it is considered high risk. Boys are not permitted any mobile phones or other internet capable mobile technology. See **Summer Fields Technology Policy**. There are separate boy and staff acceptable use policies that they are required to accept regularly in order to use the computers.

### **Inspection**

The assessment of the quality of leadership and management made during an ISI inspection includes an assessment of the effectiveness of the safeguarding arrangements in place in the school to ensure that there is safe recruitment and that all children are safe.

In line with part three of this policy, the Governing body prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required; and ensuring volunteers are appropriately supervised. Summer Fields has written recruitment and selection policies and procedures in place. The Governing body ensure that at least one person on any appointment panel has undertaken safer recruitment training. Procedures are in place to check the suitability of visiting speakers who must be approved by SMT.

In line with part four of this guidance, the Governing body ensure there are procedures in place to handle allegations against members of staff and volunteers. Such allegations must be referred to the Local Authority Designated Officer (LADO). There are procedures in place to make a referral to the Disclosure and Barring Service (DBS) and the TRA (formerly NCTL) if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned. This is a legal duty and failure to refer when the criteria are met is a criminal offence. The Governing body also ensure that there are procedures in place to handle allegations against other children. See Peer abuse below.

### **The child's wishes**

The Governing body and leadership team ensure the child's wishes or feelings are taken into account when determining what action to take and what services to provide to protect individual children through ensuring

there are systems in place for children to express their views and give feedback. The Governing body ensures that staff members do not promise confidentiality to the child and always act in the interests of the child.

### **Peer abuse**

As a boarding school Summer Fields is particularly alert to children's safeguarding and alert to pupil relationships and the potential for peer abuse. In safeguarding training staff are alerted to look out for this. Peer on peer abuse will never be tolerated or passed off as "banter" or "part of growing up". If a pupil is suffering or likely to suffer significant harm the matter will be referred to local agencies following the same procedures as any other abuse, although both victims and perpetrators would be considered at risk. The victim will be fully supported through the pastoral care system. The perpetrator will be managed in accordance with the school's disciplinary policy ensuring that appropriate support is also given through the pastoral care system. Peer on peer abuse may take the form of sexual violence, sexual harassment, physical abuse, initiation/hazing type violence, rituals, or upskirting. See also ***Summer Fields Countering Bullying Policy***.

The boys are not permitted mobile phones. However, sexting advice from UKCCIS is recognised as is the DfE searching, screening and confiscation advice.

### **Looked after children**

In the event of Summer Fields taking any 'Looked after children' the Governing body will appoint a designated teacher to promote the educational achievement of children who are looked after and to ensure that this person has appropriate training. Due regard will be taken of the Government Guidance in ***Designated teacher for looked after children (2009)***.

### **Missing children**

A child going missing from an education setting is a potential indicator of abuse and neglect. The Governing body have in place appropriate safeguarding responses to children who go missing from Summer Fields in the form of the ***Missing Child/ Disappeared Child Policy***, particularly on repeat occasions, to help identify any risk of abuse and neglect including sexual abuse or exploitation and to help prevent the risks of their going missing in future.

### **Children with special educational needs and disabilities**

Summer Fields recognises that additional barriers can exist to recognising abuse and neglect in this group of children. Further exploration will always be made of indicators of possible abuse such as behaviour, mood and injury. It is understood that children with SEN and disabilities may be disproportionately impacted by behaviours such as bullying without outwardly showing any signs. It is recognised that they are more likely to suffer abuse than other children. Every effort will be made in such cases to overcome any communication barriers.

### **NSPCC Whistleblowing Helpline**

Staff may raise concerns with the DSL, or his deputies, or with OSCB, or Oxford Social Care. Or if they feel unable to contact any of these, or are not satisfied their concerns have been met, they can contact the NSPCC whistleblowing helpline on 0800 028 0285, or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

### **Reasonable force**

The school recognises that an adult may on rare occasions have to use reasonable force to restrain a child for their own protection, for the protection of others, or the protection of property. In the event of a child showing the potential for requiring this an individual plan will be put in place to minimise the requirement to use force. See ***Summer Fields use of reasonable force policy***.

#### **Contact details**

Summer Fields will hold at least two sets of contact details for adults in a child's life. This is essential in case of emergency or abuse.

#### **Wider Picture**

In any consideration of child protection staff will look at the 'wider picture' and consider all aspects of the child's life, both at school and away from it.

#### **Technology**

The computer network is professionally filtered to stop access to inappropriate material and boys are restricted from sites such as chat rooms. In addition, any attempts to access sites considered inappropriate, or any searches that raise safeguarding concerns are reported automatically to the DSL. This is emailed as a daily report, but the DSL is informed immediately by phone if it is considered high risk. Boys are not permitted any mobile phones or other internet capable mobile technology. See ***Summer Fields Technology Policy***.

### 3. Safer Recruitment

#### Recruitment, selection and pre-employment vetting

It is vital that schools create a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children. Summer Fields is committed to following all Government Safer Recruitment guidance and procedures. The Governing body acts reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including: criminal record checks (DBS checks), barred list checks and prohibition checks together with references and interview information. At least one member of all recruitment panels are trained in safer recruitment.

The ***Summer Fields recruitment policy*** sets out the process from beginning to end, including details of the required checks. It is available from HR upon request.



## 4. Allegations of abuse made against teachers and other staff

### Duties as an employer and an employee

This part of the policy is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It must be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) at Summer Fields has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

This part of the guidance relates to members of staff who are currently working at Summer Fields regardless of where the alleged abuse took place. Allegations against a teacher who is no longer teaching must be referred to the police. This guidance applies to all members of staff and volunteers. An allegation against a member of staff can be taken to the DSL or headmaster. If it is taken to the DSL he will keep the headmaster informed. If an allegation is against the DSL it must be referred to the headmaster. If the allegation is against the headmaster it must be referred to the Chairman of Governors (or in his absence the Deputy Chair), without the headmaster being informed.

Summer Fields has a duty of care to its employees. The school will ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a member of staff or volunteer at Summer Fields is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

### Initial considerations

Some rare allegations may be so serious they require immediate intervention by children's social care services and/or police (for example if serious harm had occurred). The Local Authority Designated Officer (LADO) will be informed within one working day of **all** allegations that come to Summer Fields attention. The school will not investigate such allegations and will follow instructions from the LADO.

The following definitions will 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 to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

In the first instance, the headmaster, or chair of governors, (one of whom will become the 'case manager') must immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's

current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

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

The case manager should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. The school must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened in accordance with Working Together to Safeguard Children July 2018. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour (see Restraint Policy).

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

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

However, in other circumstances the allegation may require an independent investigator. In any such case Summer Fields would take the advice of the local authority on the appointment of the investigator.

## **Supporting those involved**

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

The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues

and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager must not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence. In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

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

## **Confidentiality**

It is extremely important that when an allegation is made, Summer Fields makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State (or the Teaching Regulation Agency (TRA) on his behalf) publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

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

In accordance with the Association of Chief Police Officers' (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted).

The case manager must take advice from the LADO, police and children's social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;

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

## **Managing the situation and exit arrangements**

### **Resignations and ‘settlement/compromise agreements’**

If the accused person resigns, or ceases to provide their services, this must 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.*** 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. A settlement/compromise agreement which prevents the school from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the school would not be complying with its legal duty to make the referral. Consideration will also be given to making a referral to the Teaching Regulation Agency (TRA) where a teacher has been dismissed for misconduct (or would have been dismissed had he/she not resigned first). The reasons for such an order are: ‘unacceptable professional conduct’, ‘conduct that may bring the profession into disrepute’ or a ‘conviction, at any time, for a relevant offence’.

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

So-called ‘settlement/compromise agreements’, by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used in cases of refusal to cooperate or resignation before the person’s notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

### **Record keeping**

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

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. Due consideration will be given to The Information Commissioner’s published guidance on employment records in its Employment Practices Code, child protection information will not be destroyed.

## References

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

## Timescales

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation under the direction of the LADO. All allegations must be investigated under the direction of the LADO as a priority to avoid any delay. Summer Fields aims to resolve cases where it is clear immediately that the allegation is unsubstantiated or malicious, within one week. If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within 15 working days.

## Oversight and monitoring

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

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

- liaising with the LADO;
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

## Suspension

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

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

and will liaise with the LADO. In cases where Summer Fields is made aware that the Secretary of State has made an interim prohibition order in respect of an individual it will be necessary to immediately inform the LADO and suspend that person from teaching pending the findings of the Teaching Regulation Agency (TRA)'s investigation.

The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should agree actions to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted.
- providing accommodation for the member of staff away from the boarding houses.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation and direction given by the LADO. The case manager will consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended – but will always follow the instructions of the LADO which may include suspension.

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

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

The power to suspend is vested in the Governing body of the school who are the employers of staff. Where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision is taken on a case-by-case basis having undertaken a risk assessment – always following direction from the LADO.

### **Information sharing**

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

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

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

## **Specific actions**

### **Following a criminal investigation or a prosecution**

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

### **On conclusion of a case**

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the case manager and their personnel adviser whether the school will decide to make a referral to the DBS for consideration of inclusion on the barred lists is required; (see Disclosure and Barring Service – guidance on Referrals to the DBS), and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

**There is a legal requirement for employers to make a referral promptly to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.**

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

### **In respect of malicious or unsubstantiated allegations**

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

## **Learning lessons**

At the conclusion of a case in which an allegation *is* substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.



## 5. Role of the designated safeguarding lead – Job Description (Reference to KCSIE 2019)

The Governing body will ensure that Summer Fields designates an appropriate senior member of staff to take lead responsibility for child protection. This person is Chris Sparrow. (James Aldred, David Faber and Joanna Chapman are the second DSLs to ensure continuity of cover). The DSL has the status (SMT) and authority within the school to carry out the duties of the post including committing time and resources and, where appropriate, supporting and directing other staff. His practice in this position is reviewed annually by the Governing Body to ensure that any possible improvements that can be made are. His job is related to any type of abuse including on-line safety.

The broad areas of responsibility for the designated safeguarding lead are as below

### Managing referrals

- Refer all cases of suspected abuse to the local authority children's social care and:
- Refer all cases of radicalisation to the Oxfordshire Prevent Team:
- The local authority designated officer (LADO) for child protection concerns (all cases which concern a staff member, after consultation with the Headmaster);
- Disclosure and Barring Service/ Teaching Regulation Agency (TRA)SEN (cases where a person is dismissed or left due to risk/harm to a child); and/or
- Police for cases where a crime may have been committed including FGM.
- Liaise with the headmaster to inform him of issues especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations
- Act as a source of support, advice and expertise to staff on matters of safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies

### Training

- The designated safeguarding lead and his deputy receive appropriate training (Level 3) carried out every two years in order to:
- Understand the assessment process for providing early help and intervention, for example through locally agreed common and shared assessment processes such as early help assessments
- Have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so
- Ensure each member of staff has access to and understands the school's child protection policy and procedures, especially new and part time staff.
- Be alert to the specific needs of children in need, those with special educational needs and young carers
- Be able to keep detailed, accurate, secure written records of concerns and referrals
- Obtain access to resources and attend any relevant or refresher training courses

Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the school may put in place to protect them

### **Raising Awareness**

- The designated safeguarding lead should ensure the school's policies are known and used appropriately:
- Ensure the school's child protection policy is reviewed annually and the procedures and implementation are updated and reviewed regularly, and work with the Governing body regarding this
- Ensure 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 and LADO to make sure staff are aware of training opportunities and the latest local policies on safeguarding and radicalisation
- Where children leave the school ensure their child protection file is copied for any new school or college as soon as possible but transferred separately from the main pupil file

## **Annex A: Legislation**

This guidance refers to the legislation below:

### **Education**

- The Children Act 1989 and 2004
- Education Act 2002
- The Education (Health Standards) (England) Regulations 2003
- The Further Education (Providers of Education) (England) (Regulations) 2006
- The Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007 as amended by SI 2010/1919, SI 2012/ 1201, SI 2012/1825, SI 2012/3158
- The School Staffing (England) Regulations 2009 as amended by SI 2012/1740 and SI 2013/1940
- The Education (Independent School Standards) (England) Regulations 2010 as amended by SI 2012/2962
- The Education (Non-Maintained Special Schools) (England) Regulations 2011
- The National Minimum Standards for Boarding Schools (April 2015)
- Keeping Children Safe in Education (Sept 2019)
- Working Together to Safeguard Children (July 2018) (WT 2018)
- The Prevent Duty (June 2015)

### **Police**

- Police Act 1997
- The Police Act 1997 (Criminal Records) Regulations 2002, as amended
- The Police Act 1997 (Criminal Records) (No 2) Regulations 2009, as amended

### **Other**

- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Equality Act 2010
- The Common Law Duty of Care
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended